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AMERICAN PRISONS IN TURMOIL (Part 1)

HEARINGS

BEFORE THE

SELECT COMMITTEE ON CRIME

HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

FIRST SESSION

NOVEMBER 29, 30; DECEMBER 1, 2, AND 3, 1971
WASHINGTON, D.C.



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AMERICAN PRISONS IN TURMOIL

MONDAY, NOVEMBER 29, 1971

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,
Washington, D.C.

The committee met, pursuant to notice, at 9:45 a.m., in room 345, Cannon House Office Building, Hon. Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Waldie, Brasco, Mann, Murphy, Rangel, Wiggins, Steiger, Winn, Sandman, and Keating.

Also present: Joseph A. Phillips, chief counsel; Michael Blommer, associate chief counsel; Christopher Nolde, associate counsel; and Leroy Bedell, hearings officer.

The CHAIRMAN. The committee will come to order, please.

Today the Select Committee on Crime opens its national inquiry into the American system for treating and rehabilitating criminal offenders.

It is not an American success story. The fact that three-quarters of all persons released from prison each year will ultimately return, convicted of new crimes, should tell us something about the deterrent value of incarceration alone.

Incarceration alone is nearly what we have. As pointed out by the Law Enforcement Assistance Administration between 80 and 90 percent of the total annual expenditure of \$1.5 billion for corrections goes for custody and administration. Perhaps 20 percent of those working in corrections are assigned tasks which could be described as directed toward prisoner rehabilitation.

Even more startling, about 1 percent of the prison population in our State and Federal institutions comes in contact with what might be considered an innovative program.

Budgetary restraints, conditions within the prisons, and an ambivalent attitude as to the very purpose of prisons have combined to produce a system which no less a critic than President Nixon observed, "presents a convincing case of failure."

It is a system, too, which produces sudden and violent news from small, rural towns most Americans first learn exist from headlines. Attica, N.Y.; Rahway, N.J.; and again yesterday, Raiford, Fla.—these are the communities which are handed society's problem adults and asked to perform the herculean wonder of rehabilitation in an artificial setting shut out from the outside world.

The deplorable conditions of the American prison system are not some new phenomenon. Repeated calls for penal reform, often from prison administrators themselves, have simply fallen on deaf ears.

Today, the tragedy at Attica prison and the serious disturbances in Florida, California, New Jersey, and other institutions afford us the opportunity to focus public attention on the critical demand for reform.

Prior to our hearings today, the Crime Committee conducted preliminary inquiries in prisons at Attica, N.Y.; Raiford, Fla.; and in San Quentin, Calif. The regrettable loss of life and destruction of property which accompanied those incidents have deeply troubled the conscience of the country.

The committee intends to analyze the causes of these disturbances and recommend legislation and courses of action which will minimize the possible recurrence of future tragedies.

A comprehensive understanding of the root causes of these disturbances is critically essential if meaningful progress in treatment and rehabilitation of criminal offenders is to be achieved.

The committee's hearings have been organized in a manner to obtain an intensive factual understanding of two of these significant incidents—Attica and Raiford.

In addition to the factual examination, we intend to solicit the views of the outstanding experts in the field of penology who can contribute to our understanding of the problems and suggest what the Federal Government can do to improve the effectiveness of institutions to deter crime and to prevent the commission of further crimes by those released from them.

The committee is most fortunate in obtaining the cooperation of those directly involved in the events at Attica and Raiford. All of us have sympathized with their ordeal. Their counsel, forged in the crucible of such catastrophic events, is invaluable. Without their unqualified cooperation the success of our present undertaking would be greatly impaired.

It must be understood that the sole purpose of these hearings is not to dwell on what is wrong within our prisons. Our committee's principal concern is the problem of crime. We are therefore interested in what ideas and programs might be offered to improve our penal institutions which would have an immediate impact on reducing the rate of recidivism by those who have been in such institutions.

We are also aware that prison reform is but one facet of the fight against crime.

How successfully we control crime will also depend on many other questions including an end to unemployment, adequate educational opportunities and vocational training, decent housing and health programs, and the conquest of a serious drug problem.

We should not, however, allow our prison system to exacerbate the crime problem through neglect or default.

We hope these hearings will lead to legislation and to the adoption of programs and policies which will reduce the appalling volume of crime in our country.

Our first witness today is Mr. Vincent R. Mancusi. Mr. Mancusi is superintendent of the Attica Correctional Facility. Our committee had the pleasure of a visit with him and many hours of conference with him when we visited Attica some time ago. Mr. Mancusi brings to his present position 35 years' experience in correctional institutions.

A schoolteacher during the "depression years," he taught for 3 years before becoming a prison guard and worked his way up through the ranks. During his career in prison work, he has been assigned to several State institutions—Elmira Reformatory, Clinton prison, Auburn prison, and other prisons in the New York correctional system.

Mr. Mancusi has a master's degree in correctional administration from St. Lawrence University; subsequently he served on the faculty of the Moran Institution on Delinquency and Crime at that university. He has been the superintendent of Attica Correctional Facility for more than 6 years.

Mr. Mancusi is accompanied by Mr. John H. Stenger, who is an attorney for the Attica Correctional Facility. We are very glad to have you come to our hearing with Mr. Mancusi.

Our counsel will please begin the inquiry.

Mr. PHILLIPS. Mr. Mancusi, the first area that the committee would be interested in hearing in your testimony is in relation to a brief statement I believe you have prepared. Are you prepared to give that statement at this time?

STATEMENT OF VINCENT R. MANCUSI, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY, ATTICA, N.Y.; ACCOMPANIED BY JOHN H. STENGER, COUNSEL

Mr. MANCUSI. Yes, sir; I am.

Mr. PHILLIPS. Would you please give it at this time?

Mr. MANCUSI. Mr. Chairman, members of the committee, I am the superintendent of the Attica Correctional Facility at Attica, N.Y., which is a maximum security institution in the Department of Correctional Services of New York State. This facility is a receiving institution for convicted felons 21 years and older from the fifth, sixth, seventh, and eighth judicial districts of New York State. These districts cover 32 counties of western New York. An additional population is also received by transfer from other correctional facilities with the largest number of transfers coming from the Ossining Correctional Facility.

From September 9 through September 13, Attica experienced one of the most serious riots in penal history which resulted in the loss of 43 lives and serious injuries to many others plus substantial property damage to the Attica facility. I can assure you that no one has greater regret over this tragic occurrence than those of us who were at the scene and who counted some close personal friends among the victims. The events which occurred are now under investigation by a number of committees. A criminal investigation is being conducted by Judge Robert Fisher, a special deputy attorney general of the State of New York and a special grand jury is being impaneled today to consider criminal charges arising from the riots.

I respectfully request that I not be asked questions concerning the riot since I have no wish to impede or impair the grand jury investigation. However, all of us connected with the Attica facility are most anxious to cooperate in every reasonable manner to assure that the events of Attica shall never recur there or at any other penal institution. I welcome this opportunity and in response to your subpoena to

give whatever assistance I can to your committee's efforts to ascertain how the Federal Government can aid and improve correctional services throughout the country. Thank you.

Mr. PHILLIPS. Superintendent Mancusi, prior to your appearing here today you voiced the concern that we might enter into questioning related to criminal activities at the Attica facility which are under investigation by appropriate authorities in the State of New York. The committee can assure you at this time that none of the questions put to you or any other witnesses anticipated will in any way affect the pending criminal investigations that are now going on. I think with that assurance we may proceed.

In your preliminary remarks, Superintendent, you mentioned that you are in charge of the maximum security facility. Could you tell the committee what a maximum security facility is?

Mr. MANCUSI. A maximum security facility is a walled institution for the purpose of providing safe and secure custody to the people convicted of felonies and also to attempt to change these people so that upon release they can live law-abiding lives.

Mr. PHILLIPS. Will you describe for us what a minimum security facility would be?

Mr. MANCUSI. The minimum security facility would be a facility which does not have a wall but the building is an enclosure, is a facility usually where there are more rehabilitative programs, where offenders who have a greater opportunity to return to society successfully are incarcerated.

Mr. PHILLIPS. Within these two facilities, that is, the minimum facility and the maximum facility, are there degrees of freedom that a particular prisoner may have?

Mr. MANCUSI. Yes, sir; there is a substantial difference.

Mr. PHILLIPS. Could you tell us briefly what the differences are between a minimum security prison and a maximum security prison?

Mr. MANCUSI. In a maximum security prison there is a greater difference in surveillance. There is probably a greater degree of regimentation than in a minimum security institution.

Mr. PHILLIPS. Is it fair to say, Superintendent, that New York State does not have, at this time, a range of institutions, from minimum to maximum, which would be adequate to serve the variety of offenders?

Mr. MANCUSI. No, sir; it would not be fair.

Mr. PHILLIPS. Can you tell me whether or not there is a range of facilities presently available in New York State?

Mr. MANCUSI. There are 22 facilities in the New York State Department of Correctional Services ranging from minimum security facilities to medium security facilities through maximum security facilities and also mental health correctional facilities.

Mr. PHILLIPS. Well, sir, in your prison population, which is a maximum security prison, you have approximately 2,200 inmates as of September of 1971: is that correct?

Mr. MANCUSI. Yes, sir; the population ranged between 2,200 and 2,275. I would say.

Mr. PHILLIPS. In that particular population you had first offenders; is that correct?

Mr. MANCUSI. Yes, sir. Attica Correctional Facility is a receiving institution, so there would be first offenders there who would be classi-

fied and perhaps remain there or be sent to some other facility best suited to handle these cases.

Mr. PHILLIPS. Did you have any minors in that particular facility?

Mr. MANCUSI. No minors were received directly from the court. However, there would be or could be minors there who were picked up as parole violators and were returned to the facility or a minor who suffered some type of disease connected with cancer might be sent there for treatment at the Roswell Park Memorial Institute at Buffalo, N.Y., where the institution maintains a ward and also maintains an outpatient clinic.

The CHAIRMAN. As I recall, we saw one boy and a juvenile delinquent there.

Mr. MANCUSI. Yes, sir, Mr. Chairman: however, this man was not sentenced there directly from the courts. In New York State any male between the ages of 16 and 21 must go to the reception center at Elmira where he goes through an intensive classification process which lasts usually 60 days and he is then, after classification has been carried out, sent to the institution in the department which seems best suited to carry out the program which these classification experts have felt is best suited for this individual.

Mr. PHILLIPS. Is it your position that the 2,200-odd inmates that you had in September of 1971 were appropriately assigned to a maximum security prison?

Mr. MANCUSI. I certainly could not say that every one of those people required maximum-security custody.

Mr. PHILLIPS. Would you give us some estimate—I know it is a difficult question—of the number of prisoners who you felt could not be adequately served by a maximum prison as of September 1971?

Mr. MANCUSI. This would be pure speculation on my part and I would prefer not to speculate.

Within the institution, there are different levels of security. For example, we have inside cellblocks which are maximum security. We have an outside cellblock, C block, which would be the same as that in a medium security facility, and then also within the compound we have a medium security cellblock, E block, so there are different levels of security within the maximum-security institution.

Mr. PHILLIPS. They are all maximum security, I take it, because of the description you previously gave?

Mr. MANCUSI. Because of the fact the institution is a maximum-security institution. I might also say that we had about 200 men who were working outside the walls which would be certainly a form of medium security or minimum security and then a pilot work-release program wherein six inmates were driving 25 miles every day to go to work and returning at night and this would be certainly minimum security.

Mr. PHILLIPS. My point, Mr. Mancusi, is that there are a number of individuals in the institution who are not really suitable for a maximum-security prison: is that correct?

Mr. MANCUSI. I would have to say that there are men in the institution who could very probably be housed in an institution of a lesser degree of security.

Mr. PHILLIPS. Could you tell us why they are not?

Mr. MANCUSI. One of the reasons possibly would be because some few haven't been classified yet and possibly because there are not sufficient minimum-security or medium-security facilities and I would prefer to say medium-security facilities in the system.

Mr. PHILLIPS. Is that because of budgetary problems or hasn't there been any planning in that area?

Mr. MANCUSI. I would say that would be because of the historical development of the correctional system coupled with budgetary problems which have been experienced.

Mr. PHILLIPS. As I understand it, practically all of the adult prisoners from the western part of New York State, no matter what type of offense is involved, ultimately are housed in your particular facilities; is that correct?

Mr. MANCUSI. All convicted felons over 21 years of age from the areas of the fifth, sixth, seventh, and eighth judicial districts must be received at the Attica Correctional Facility.

Mr. PHILLIPS. Could you tell us what percentage of them stay there?

Mr. MANCUSI. Well, New York State is divided into three areas. The Ossining Correctional Facility receives about 63 percent; the remaining 37 percent are received between the Attica facility and the Clinton facility.

Mr. PHILLIPS. I am sorry, my question wasn't clear. The question I have for you is: After you receive these people from the courts in the 32 counties from which they are referred to you, what percentage of them stay at Attica?

Mr. MANCUSI. I would say the majority stay at Attica.

Mr. PHILLIPS. And that would be first offenders?

Mr. MANCUSI. First offenders might be transferred. They might remain at Attica if they so desired.

Mr. PHILLIPS. That would also include persons who are drug addicts, people of that nature?

Mr. MANCUSI. People who are there are there for the commission of a crime, who might be drug addicts; yes, sir.

Mr. PHILLIPS. Would you say that the population you have involves only hardened criminals?

Mr. MANCUSI. Primarily I would say that is correct.

Mr. PHILLIPS. Do you think there should be any other facility for incorrigibles, or hardened criminals?

Mr. MANCUSI. Yes, sir; I do.

Mr. PHILLIPS. Would you tell us about that?

Mr. MANCUSI. It is my belief that there are in every correctional facility a relatively small percentage of the people confined who for reasons best known to themselves would wish to destroy the system or are continuous malcontents or incorrigibles, and I feel that classification process should select these people and place them in a special program institution where their needs could be met and that they would not interrupt the programs which are being carried out for the large remainder of the inmate population who are attempting to profit from their stay in a correctional facility.

Mr. PHILLIPS. That would be a maximum-security facility of stricter or more complex dimension than we have today?

Mr. MANCUSI. I would say that this would be a special program institution wherein there would be the closest degree of custody.

However, I certainly would also feel there should be a program in such an institution which would try and achieve rehabilitation of these people.

Mr. PHILLIPS. Could you tell us, just briefly, your opinion about where a maximum security facility should be located; that is, should it be located in an area remote from the community?

Mr. MANCUSI. This is a very difficult question. It would seem to me that probably an institution of this kind would be better off remotely located because of the special provisions of this particular type of facility.

Mr. PHILLIPS. Would you please expand on that, if you can?

Mr. MANCUSI. This I would believe would be a small, relatively small, institution with a high ratio between staff and inmate population with programs designed to effect rehabilitation of these people and I am not sure because of the special nature of this institution that it shouldn't be rather isolated.

Mr. PHILLIPS. In relation to other institutions?

Mr. MANCUSI. That is a complex question where there are things to be said for being near large communities; other things said for isolation.

Mr. PHILLIPS. Right now, in New York State, major facilities for incarceration of offenders are quite remote from the communities in which most of the prisoners originally resided; is that correct?

Mr. MANCUSI. Yes, sir; I would say that this is primarily correct. Ossining Correctional Facility, of course, is near New York. The Greenhaven facility and Wallkill facility are in a range I would say of 90 miles or less, even 70 miles or less from New York City. However, there are many inmates from the New York City area who are transferred to either western New York or northern New York at Attica or Clinton and there is no question that this places substantial hardships upon members of their family. It costs a large sum of money in order to visit. There is a lack of public transportation facilities which increases the problem of visiting, and I don't believe that that is advantageous.

Mr. PHILLIPS. Is anything being done to correct this situation?

Mr. MANCUSI. This is a very hard situation to correct because of the tremendous cost of large institutions which are presently in effect and located in these various areas.

Mr. PHILLIPS. What was the ratio of staff to inmates in your particular institution.

Mr. MANCUSI. At the time of the riot there were 540 employees on the payroll of all categories.

Mr. PHILLIPS. So approximately 40 to 1 would be the ratio? Would that be an appropriate ratio in your view?

Mr. MANCUSI. I would like to see more employees.

Mr. STEIGER. Mr. Superintendent, it would be helpful if you would break down for us in broad areas of those approximately 500-plus employees, how many of them were actually involved in security enforcement under the title of "guard," and how many were administrative, and that sort of thing.

Mr. MANCUSI. Sir, the custodial hierarchy ran 376 correction officers, 10 sergeants, five lieutenants, one assistant deputy superintendent,

one deputy superintendent, and a superintendent. The remainder of the employees, which was 147, covered a number of categories.

Mr. STEIGER. Would it be fair to draw a conclusion, then, that the ratio—

Mr. MANCUSI. The ratio would be about 7 to 1 or 6 to 1.

Mr. PHILLIPS. You say that is not an ideal relationship for a maximum security prison?

Mr. MANCUSI. I felt that I should have had more staff.

Mr. PHILLIPS. Could you tell us what in a minimum security prison would be the appropriate ratio?

Mr. MANCUSI. I would say that it is dependent upon the program. I don't think that I can tell you what an appropriate ratio is. It depends upon the size of your institution, it depends upon the physical characteristics, it depends upon the program in order to determine a suitable ratio. But certainly I think that this was too high.

Mr. PHILLIPS. One other question concerning ratio of staff to prisoners.

Is there a ratio between the ethnic or racial origin of the population and that of the prison authorities?

Mr. MANCUSI. I am not sure, sir, I understand your question.

Mr. PHILLIPS. I understand that close to 55 percent of your particular population is black; is that correct?

Mr. MANCUSI. Yes, sir; that was correct.

Mr. PHILLIPS. Can you tell us what percentage of the staff is black?

Mr. MANCUSI. We have one individual black on the staff. A teacher.

Mr. PHILLIPS. Can you tell us if you find this to be a drawback or a problem in the institution?

Mr. MANCUSI. It is my personal opinion it would be advantageous to have a much larger proportion of the staff be black.

Mr. PHILLIPS. Has anything been done about trying to achieve that objective?

Mr. MANCUSI. Practically all of the employees are civil service in nature and this fact has been brought to the attention of the authorities and it is rather difficult to obtain these people. I know that the recruitment efforts have been made. However, because of the location of Attica, I also know that black employees whom we have had from time to time who seem to prefer to live in a metropolitan area have left us when they were able to find a position which paid as much or more than the position at Attica. Probably because of the isolation.

Mr. PHILLIPS. Could you tell us whether you have any Puerto Ricans on the staff?

Mr. MANCUSI. We have one Puerto Rican, sir.

Mr. PHILLIPS. Could you tell us what percentage of the inmates were Puerto Rican?

Mr. MANCUSI. We did not keep a compilation of ethnic groups so I actually can't give you an answer on that score.

The CHAIRMAN. As I recall, the figures you gave us—I believe that was for 1968—showed 7 percent of your population was Puerto Rican.

Mr. MANCUSI. Yes, sir; those figures were received from the division of research.

The CHAIRMAN. Has the percentage been larger in September 1971?

Mr. MANCUSI. I would imagine that it would be somewhere in that area or perhaps larger but I couldn't give an actual percentage. These

figures could be obtained from the division of research in Albany, if necessary.

Mr. PHILLIPS. Were non-English-speaking prisoners a special problem at all?

Mr. MANCUSI. I would say not particularly. I don't think that we had any appreciable percentage of non-English-speaking prisoners. When we had people who could not speak English, we would try and teach them to speak English. We have two Spanish-speaking corrections officers who would act as interpreters and we made a conscientious effort to teach English to these non-English-speaking prisoners.

Mr. PHILLIPS. Are you saying that there were English language classes given in some part of the facility?

Mr. MANCUSI. We attempted to do this in our school system.

Mr. PHILLIPS. You actually had retained some Spanish teachers?

Mr. MANCUSI. We were using, utilizing our Spanish-speaking corrections officers to try to aid in this thing.

Mr. PHILLIPS. Did they have other assignments or were they primarily teachers?

Mr. MANCUSI. Yes, sir; they did.

Mr. PHILLIPS. How frequent were the classes?

Mr. MANCUSI. These classes might meet once a week, something like this.

Mr. PHILLIPS. One of the complaints our staff has heard, Superintendent, was that Spanish-speaking people were unable to obtain the necessary medical and dental services which they required because they couldn't explain their symptoms. Did you ever have any complaints of that particular nature?

Mr. MANCUSI. I have had medical complaints not necessarily from Spanish-speaking people. If there was a need for an interpreter either a fellow inmate or one of these officers could be used as an interpreter.

Mr. PHILLIPS. I imagine these officers were not available around the clock; would that be correct?

Mr. MANCUSI. No, sir; they wouldn't be available around the clock.

Mr. PHILLIPS. Prior to the disturbances in September, could you tell us if you had any procedure whereby an inmate could make a complaint about anything that was disturbing him at the institution?

Mr. MANCUSI. Every inmate had the right to make a complaint to any supervisor, to the deputy superintendent, or to myself as superintendent by writing a note. He also had the right to send his complaints to the commissioner of corrections in a sealed envelope. I might also say that every complaint or request that was received in my office was answered in some manner; if it could be answered by a return note, this was done. On the occasions when it couldn't, these inmates were interviewed.

Mr. PHILLIPS. So would it be fair to say that for every complaint that was made by a prisoner there was an established procedure for it? Are prisoners provided with published procedures relative to their complaints?

Mr. MANCUSI. It would be fair to say that consideration was given to the complaints which were received. Also, in every hall there was an interview slip for the purpose of making complaints which the inmate could obtain upon request. Sometimes these interview slips were used and other times paper of every sort and description was

used. We preferred them to use the designated interview slip because all of these were, after investigation, placed in their cumulative record and it made the file easier.

Mr. PHILLIPS. Could you tell us what types of complaints you were receiving in July and August of 1971?

Mr. MANCUSI. There would be complaints from various individuals about medical care, about correspondence, requests of various kinds of things or privileges that they wished, complaints of this nature.

Mr. PHILLIPS. Did you have any complaints about mail or mail censorship?

Mr. MANCUSI. On occasion, yes; we did.

Mr. PHILLIPS. And were they reviewed in any way?

Mr. MANCUSI. Every one of those complaints was considered and some type of resolution.

Mr. PHILLIPS. If the prisoner did not like the resolution of the particular problem, did he have definite recourse?

Mr. MANCUSI. He also had recourse to the commissioner in a sealed envelope so that no one in the institution would know what he said to the commissioner unless the commissioner requested comments from the institution in connection with his complaint.

Mr. PHILLIPS. Did you have any complaints about visiting?

Mr. MANCUSI. I would say very few. Occasionally these were about people on visiting lists. People who were not permitted. Each inmate has an approved visiting list and sometimes we had complaints because people were not placed on their visiting lists.

Mr. PHILLIPS. How about food?

Mr. MANCUSI. Very few. Very few complaints throughout the 6 years. I can truthfully say that I don't believe that I received 25 written complaints about food.

Mr. PHILLIPS. Twenty-five in 6 years.

Mr. MANCUSI. Strangely enough, that is true.

Mr. PHILLIPS. From time to time we heard something about a diet which is affected by religious belief. Did you have any complaints about that?

Mr. MANCUSI. There were complaints about pork but seldom were they—I know there were complaints about it because I have heard about the use of pork but, not where they would write them down and send them to me.

Mr. PHILLIPS. Is that because they didn't know a complaint procedure was available to them? What reason would you attribute to the lack of these complaints not coming to you? How do you account for it, if you can?

Mr. MANCUSI. Sir, I think that Attica has had a reputation of feeding well. And I think that this is the reason that I haven't had the complaints.

Mr. PHILLIPS. I thought you said in your testimony that the Muslims did complain about pork but that these complaints never arrived at your desk, or something to that effect. Did I misunderstand you?

Mr. MANCUSI. I meant I never received large numbers of complaints. I know the Muslims complained about pork. This I know. But as far as getting written complaints and notes, I got very few complaints about food.

This I think is a separate part. I don't think that is food in and of itself. I am now receiving, we have reduced the amount of pork appreciably. We are going out of the business of producing pork and try to supply our needs and now I have received a few complaints of people because we don't have enough pork.

Mr. PHILLIPS. Is there some happy medium where you could have pork for those people who choose pork and perhaps have an alternative for those whose religious beliefs prevent them from eating pork?

Mr. MANCUSI. It would be very nice if we could provide a diet which was satisfactory to all but in a large population this becomes very difficult, especially when you are feeding on a limited budget.

Mr. PHILLIPS. Could you tell us whether there were any complaints about jobs, or lack of jobs, in your facility in July and August of 1971?

Mr. MANCUSI. Yes. From time to time there would be complaints of this nature.

Mr. PHILLIPS. How about recreation and entertainment?

Mr. MANCUSI. Individuals might have individual requests in this area. However, practically every ballgame was provided in the recreation yards. There was football, softball, volley ball, basketball, bocce bowl, weightlifting, dominoes, checkers, and card playing available for the recreational areas.

Mr. PHILLIPS. In addition, I think you had television sets; is that correct?

Mr. MANCUSI. Yes, sir.

Mr. PHILLIPS. Wave radio facilities of some kind?

Mr. MANCUSI. Every cell has a three-channel radio operation. The man has the ability to select one of three programs. He has earphones with a jack which he can plug in on one of three listed programs. We once in a while had complaints concerning radio programing. This three-channel system was only initiated in the past 2 years. Before that we had one channel. We had complaints at that time. We now have three channels and we got about the same number of complaints, unfortunately. It is very difficult to please everyone, especially where they are not selecting the program or have a broad basis of selection for themselves.

Mr. PHILLIPS. One of the complaints which the staff received, Superintendent, was about the lack of shower facilities at the institution: I think you are aware of this. Would you give us your thinking on that particular issue?

Mr. MANCUSI. I am aware of the complaints about the shower situation that seemed to have surfaced within the past year. This institution has a central bathhouse with 80 shower units. Institutionally, the daily operation is a complex affair and in order to give every man in that institution one bath a week and give him clean clothes, it provides logistical problems.

In many of the jobs where there would be dirty work, there were also showers available for daily showering. About 900 people in the facility did have the opportunity to get daily showers. In addition, every inmate had running cold water in his cell and in the evening when he went into his cell he had the opportunity to get hot water. So that if he wished to take a sponge bath or shave or use this hot water for whatever purposes he could, he had this opportunity.

There are going to be physical operations, alterations which are going to be made which will reduce the cell capacity and will place showers on every gallery and in time to come it is very possible that showers will be available for everybody on a daily basis or much more often than once a week. However, this is going to be a costly operation and it will take time to do this.

Mr. PHILLIPS. As I understand it, it is your view that these complaints which existed throughout your years at Attica really were not indicative of, or the cause of, the disturbance which occurred in September; is that correct?

Mr. MANCUSI. I would say that they were not a primary factor.

Mr. PHILLIPS. Could you tell what, in your view, was the primary factor that caused the disturbances in September?

Mr. MANCUSI. Well, I would say that there are many reasons for the large-scale disturbance which was experienced and I have tried to make a list and I will read from this list what I think are the causes:

- Lack of funds to provide adequate staffing and equipment.
- A fiscally starved department of correctional services.
- Outside conditions of unrest.
- Demonstrations, violent protests, basic social attitudes.
- Abuses of correspondence rules, and increased influx of radical literature and propaganda.
- Wishes of certain segments of the facility population to destroy the system.
- An increase in militants and decrease in respect of the population.
- Channeling of troublemakers into Attica.
- Federal court decisions exercising authority in State correctional facilities without responsibility for results.
- Failure to take advantage of opportunity to transfer inmates identified as leaders and agitators.
- Insufficient supervisors and custodial staff.
- Complaints of inmates and distorted complaints of inmates.
- Inadequate facilities.
- An increased level of bitterness against security and the establishment reflected in transfers and new admissions.
- Younger inmates impatient for immediate change.
- And finally, the doctrine of permissiveness in society which has been reflected in such formalistic system as the military and corrections. You might say freedom without responsibility.

Mr. PHILLIPS. That is a very long list and I am unable to keep it all in mind as you gave it.

You say there are some more significant factors. There are a lot of factors. Are there any that occur to you to be the principal ones?

Mr. MANCUSI. This matter of bitterness and unrest and this classification procedure that we talked about concerning the special program institutions. I feel if such a special program institution were initiated that these troublemakers when they are identified could be taken out of the facility populations and placed in an institution designed primarily to deal with this type of offender. This would relieve conditions in the facilities for the people who were trying to take advantage of the programs offered.

Mr. PHILLIPS. One of the major factors, then, is the lack of a facility to transfer the difficult prisoners to?

Mr. MANCUSI. I would also say that a major factor has to be the lack of funds.

Mr. PHILLIPS. If you had the funds, what would you do with them first?

Mr. MANCUSI. The first thing, if I had unlimited funds, would be to make a special program institution, the type which I indicated, then I would see that an intensive classification selection would be made in the various facilities in the department and I would transfer these offenders to this special program institution.

Mr. PHILLIPS. How large an institution would be visualized?

Mr. MANCUSI. I would visualize an institution under 600.

Mr. PHILLIPS. Could you tell us what the factors are in arriving at that figure?

Mr. MANCUSI. I would think that you would say that you would need certain inmates in this facility to take care of certain maintenance tasks who would be apart from the main inmate population. This is why I said this number.

Mr. PHILLIPS. In July of 1971, was there something called an Attica liberation faction or something that you became aware of?

Mr. MANCUSI. I became aware at that time of a list of complaints; yes.

Mr. PHILLIPS. Could you tell us what the complaints of this faction basically were?

Mr. MANCUSI. There were complaints primarily of institutional conditions, parole practices, basically of these things.

Mr. PHILLIPS. Did you at that time observe any agitators or persons who you felt were undermining the security of the institution?

Mr. MANCUSI. Yes, sir; I did.

Mr. PHILLIPS. Could you tell us what you did about them?

Mr. MANCUSI. I informed the commissioner's office concerning my views and requested transfer.

Mr. PHILLIPS. You requested transfer of certain individuals whom you identified as being agitators?

Mr. MANCUSI. I did.

Mr. PHILLIPS. And could you tell us, did these persons that you identified play a substantial part in the disturbance?

Mr. MANCUSI. Because of ensuing investigations, I would hate to make a determination of this kind, although I believe that is substantially correct.

Mr. PHILLIPS. In other words, some of the people whom you identified, without identifying them or calling upon you to give the basis for it, were visible during the disturbances?

Mr. MANCUSI. Yes, sir.

Mr. PHILLIPS. Two months prior to the disturbances you asked that they be transferred to some other facility?

Mr. MANCUSI. Yes, sir.

Mr. PHILLIPS. Why did you believe that the transfer of these people would improve prison discipline, if you did believe that?

Mr. MANCUSI. Because it has been my experience that when agitators or leaders have been determined who seemed to be intent upon bringing about the downfall of the system, by moving their base of operations you sometimes make the problem disappear or you slow them down so that they have to start in and form a new base of operations.

Mr. PHILLIPS. Could you tell us what the opposite position would be? Your position was that it would improve prison discipline by slowing it down. What was the other position in that situation? Is there another position?

Mr. MANCUSI. Evidently the central office did not feel this was the proper way to handle the situation.

Mr. PHILLIPS. Was there any belief on your part or anyone else's part at that time that things were tense at Attica?

Mr. MANCUSI. Over the past years, over the past year I should say, it has been noted that there was an increased level of bitterness, hostility, and increase in disrespect and evidences of insubordination.

Mr. PHILLIPS. Did that have any effect on the complaints? Did you receive an additional amount of complaints as a result of this increasing tension?

Mr. MANCUSI. Not in written form to my direction; that is correct.

Mr. PHILLIPS. Is it fair to say that a week or two prior to the disturbance the population in the special classification area was about normal; that it wasn't higher than it would have been otherwise?

Mr. MANCUSI. That is correct.

Mr. PHILLIPS. So you say that there was an increase in insubordination, things of that nature?

Mr. MANCUSI. This is a matter of institutional climate, an assessment of which I am attempting to give you.

Mr. PHILLIPS. In other words, it is your view that tensions had increased during this period?

Mr. MANCUSI. I think that there was a change in the caliber of inmates received, which was indicative of the social ills on the outside. Demonstrations, protests, lack of respect for authority.

Mr. PHILLIPS. Could you tell us whether or not there were any newspaper articles written about that time which discussed the possibility of disturbances at your facility?

Mr. MANCUSI. There were articles written which I felt were inflammatory.

Mr. PHILLIPS. You felt the articles written were inflammatory. Why?

Mr. MANCUSI. Because I don't feel those articles basically presented the facts as they were at the institution.

Mr. PHILLIPS. The articles did, in fact, say that there was tension there I believe.

Mr. MANCUSI. I believe that there was tension.

Mr. PHILLIPS. So, was there anything which you could have done at that stage to allay this tension as you look back on it now?

Mr. MANCUSI. As I said before, it would have been nice to have expanded programs, to have the budget to be able to expand programs and to have more personnel, to have conducted the personnel training programs, and so on. However, because of budget difficulties we were running short handed. There just were no funds for this to my knowledge.

Mr. PHILLIPS. Were any suggestions made at that time by your superiors or your staff to try to allay the tensions which had been created?

Mr. MANCUSI. In the course of time in a correctional facility whenever tensions arise certainly the people who are working there do everything in their power to allay or quiet these tensions. However, I think in some cases where you have groups who are interested only in destroying the system, regardless of what was given to these groups, they would take the same action.

Mr. PHILLIPS. Was it your view that in late August disruptions were imminent?

Mr. MANCUSI. No, sir; it wasn't my view that disruptions were imminent. It was my view that disruption was a possibility in itself at any time in a correctional facility and there was a higher level of tension.

Mr. PHILLIPS. On August 22, at your facility, there was some type of demonstration following the San Quentin incident; is that correct?

Mr. MANCUSI. Yes; there was a day on which silence was maintained and, of course, this is a very tense situation in a correctional facility. However, that day passed without incident.

Mr. PHILLIPS. Can you describe that incident for us, please?

Mr. MANCUSI. This was a day when evidently a number of the people in the inmate population had organized a movement wherein they were going to memorialize the events of San Quentin, the killing of George Jackson by observing silence throughout the institution.

Mr. PHILLIPS. And did they do that? Did they observe silence throughout the institution?

Mr. MANCUSI. It was very, very silent, and I can tell you that the institutional climate is sometimes judged by the degree of silence or the degree of noise. This does increase tensions.

Mr. PHILLIPS. And did the prisoners decline to eat meals or anything of that nature?

Mr. MANCUSI. Yes, sir; many of them did decline to eat.

Mr. PHILLIPS. More than one meal for that day?

Mr. MANCUSI. Yes, sir.

This was something—that more ate breakfast. As the day went on they got the message, I believe, and there were less that ate the dinner meal and the supper meal.

Mr. PHILLIPS. Could you tell me whether or not you believe the San Quentin incident had anything to do with the climate at your institution?

Mr. MANCUSI. I certainly do. I feel that every correctional disturbance has something to do with the correctional disturbances or the life in other penal institutions. These things seem to be contagious and it is my belief that due to the high degree of speed of our news dispensing media today that this information gets around, and it increases the feelings of the people who wish to destroy the facilities where they are—those who have these tendencies to change things by revolution, not by evolution.

Mr. PHILLIPS. On September 3, Commissioner Oswald and his deputy, Mr. Dunbar, came to your institution. Can you tell me what prompted that visit?

Mr. MANCUSI. I would say that this visit was to have Mr. Dunbar see the facilities. It was his first visit to Attica and also to give Commissioner Oswald a chance to personally reassure the inmates that he was going to make substantial changes in the programs of the department.

Mr. PHILLIPS. Was the visit a result of the tension or was it just a result of normal procedure?

Mr. MANCUSI. I told you what I believed, what the reason for it was. Now, I think, possibly, Mr. Oswald had this complaint which you mentioned previously and he knew about it and very probably he

felt this was a tension-reducing device. However, for me to tell you what Mr. Oswald felt I really can't.

Mr. PHILLIPS. What I am asking you is, was the visit a decision on the part of the prison authorities to allay tensions? Were Mr. Oswald, Mr. Dunbar, as well as yourself, aware of the tension? And was this a step on their part to try to alleviate it?

Mr. MANCUSI. I myself think this was a device used by the commissioner to attempt to communicate directly with the inmate population to see and to be seen and to show that he was trying to make improvements and changes in the department which he deemed to be desirable.

Mr. PHILLIPS. On September 9, did some incident occur at the institution, in relation to taking a prisoner in the cell, which seemed to spark the disturbance?

Mr. MANCUSI. On when?

Mr. PHILLIPS. September 9.

Mr. MANCUSI. On September 8 an occurrence happened wherein two inmates were taken from their cell and placed in the HBZ area, which is the special housing area.

Mr. PHILLIPS. In relation to that event apparently these men were in their cells in the evening, and they had created some disciplinary problem earlier in the day. They had been in a fight; is that correct?

Mr. MANCUSI. That is correct.

Mr. PHILLIPS. They could not be apprehended at the time of the fight because it was in the prison yard. Is that correct?

Mr. MANCUSI. That is correct. But that was on September 8.

Mr. PHILLIPS. On September 8, two prisoners. Could you give us their names offhand?

Mr. MANCUSI. Lamorie and Dewer.

Mr. PHILLIPS. Dewer was in an altercation in the yard?

Mr. MANCUSI. They were either in an altercation or horseplaying to the extent that it was in violation of the rules and they were advised to stop after one was seen to knock the other man down.

Mr. PHILLIPS. And apparently Dewer struck a guard at that time. Is that correct?

Mr. MANCUSI. Yes.

Mr. PHILLIPS. No action was taken at that time but later that evening Dewer was taken from the cell?

Mr. MANCUSI. That is correct.

Mr. PHILLIPS. At the time that Dewer was taken from the cell apparently there was an incident of some type of intensity, where struggling and fighting were going on; is that correct?

Mr. MANCUSI. He refused to go and it was necessary for him to be carried.

Mr. PHILLIPS. And one of the neighboring inmates threw a glass or something?

Mr. MANCUSI. Correct.

Mr. PHILLIPS. And hit a guard?

Mr. MANCUSI. Correct.

Mr. PHILLIPS. And he suffered lacerations; is that correct?

Mr. MANCUSI. Yes, sir.

Mr. PHILLIPS. Is that the incident that really sparked the disturbances the next morning?

Mr. MANCUSI. This incident happened as to why the disturbance erupted on the 9th, I am not sure that the time hadn't arrived for the disturbance.

Mr. PHILLIPS. It may well have arrived, but sometimes a spark will take a tense situation and turn it into a confrontation. This is the question I put to you: Is this the spark that took a tense situation and made it a confrontation?

Mr. MANCUSI. This could be and yet at the breakfast situation the next morning everything was normal.

Mr. PHILLIPS. Was it the group of inmates who were housed with Dewey who started the disruptions?

Mr. MANCUSI. I don't understand your question.

Mr. PHILLIPS. Dewey was in a particular area of the institution with other prisoners. Were those the prisoners who observed the incident? Were they the ones who initiated the incident?

Mr. MANCUSI. Yes, sir.

Mr. PHILLIPS. In other words, those who saw the Dewey incident were the ones who started the disruptions.

Mr. MANCUSI. There probably was a connection but I still don't know whether that was the precipitating factor or whether this was something which happened and then did serve to precipitate.

Mr. PHILLIPS. Could you tell us what happened after the disturbance occurred? What did you do in relation to retaking the institution?

Mr. MANCUSI. After an evaluation was made of the situation and an appropriate amount of help arrived, we started to retake areas of the institution and by the time the commissioner arrived we had retaken two blocks and a number of other buildings in the facility.

Mr. PHILLIPS. Had any incident occurred during the taking of those two blocks which led to the loss of life?

Mr. MANCUSI. No, sir.

Mr. PHILLIPS. Could you tell us what did occur after you retook the two blocks?

Mr. MANCUSI. I would say as we moved in with force that there was a withdrawing of the rebels to certain areas.

Mr. PHILLIPS. At some stage you were making progress, I take it, in the program of retaking the institution.

Mr. MANCUSI. Yes, sir.

Mr. PHILLIPS. Can you tell us whether that was the result of policies or plans that you had evolved prior to this time?

Mr. MANCUSI. Yes.

Mr. PHILLIPS. When the disruption occurred, what was the present policy or pending policy of the department of corrections in retaking the institution?

Mr. MANCUSI. We had certain plans for areas in order to move. We are getting into an area where I am reluctant to speak freely now.

Mr. PHILLIPS. One final question in relation to that. At some stage the progress that you were making in retaking the institution stopped and a new attack was taken: is that correct?

Mr. MANCUSI. At the time the commissioner arrived he took command of the situation and the negotiations were started.

MR. PHILLIPS. Could you tell us what lessons you have learned from the disruptions and what programs you have adopted to try to avoid any recurrence?

MR. MANCUSI. Well, certainly more help of a custodial nature was needed, and will have to be received before a full program could be initiated. We have instituted two gunposts in our rehabilitation of the institution. Strong points will be constructed, and in the future protective gas will not be left in, stored in areas of the institution to be near possible places of use. This is one of the things that happened which we lost.

MR. PHILLIPS. Could you tell us whether you have adopted any new programs as a result of this, or intensified any old programs designed to reduce the possibility of recurrence?

MR. MANCUSI. I would say that there will be an expansion of programs presently held. There will be a search for new programs. However, this will be dependent upon the budget in the future. It will be dependent upon plans of the commissioner's office. It would be dependent upon the expertise of the field.

MR. PHILLIPS. I have no more questions, Mr. Chairman.

THE CHAIRMAN. Mr. Waldie?

MR. WALDIE. Mr. Mancusi, there are several things I didn't understand; I don't understand your counsel. In what capacity is he before the committee?

MR. STENGER. Perhaps I had better answer directly, Mr. Waldie. I am here as the special counsel for the Department of Correctional Services of the State of New York simply to give advice and counsel to Mr. Mancusi and the other witnesses who will appear here from the department.

MR. WALDIE. Advice and counsel in what regard?

MR. STENGER. Well—

MR. WALDIE. Are they under any restrictions in terms of what they can tell a congressional committee, and are you there to protect them constitutionally?

MR. STENGER. I am here, sir, to give them the full advice that I am capable of giving as an attorney representing them in their capacity as members of the department of corrections.

MR. WALDIE. Representing themselves against whom?

MR. STENGER. Representing themselves against no one. We do not consider ourselves in any kind of adversary proceedings.

MR. WALDIE. Why is it necessary for Mr. Mancusi to have counsel to advise him how to testify before a congressional committee?

MR. STENGER. I am not here to advise him how to testify before the committee. I am to give him such aid as I can.

MR. WALDIE. I saw you, during the questions asked earlier, advise and counsel with him. I presume you were advising him and counseling him as to how he should answer a question. Am I in error?

MR. STENGER. Partly. I was not advising and counseling him as to how to answer the question, but I felt there were certain areas that might intrude upon the criminal investigation. As Mr. Mancusi has already explained to the committee in his opening statement, he does not wish to place himself in a position here where he might impede that investigation.

Mr. WALDIE. I wanted to get into that as the next inquiry. The question I have of you, why is it necessary for you to protect Mr. Mancusi relative to testifying before this committee on any aspect of a pending criminal prosecution? He is not subject to any such activity, or any such action, is he?

Mr. STENGER. Not to my knowledge, and I am not here to protect him in that regard. I am only here to help him, to see that he does not get himself in areas that might impede that investigation.

Mr. WALDIE. All right, then let me ask you this: I, as one Member of Congress and member of the public, have a great many questions to ask about the Attica revolt itself, about the official pronouncements that came from his office and from Mr. Oswald's office during that revolt that apparently were later proven not to have been accurate. I speak specifically of the pronouncements that came from the commissioner's office, I presume, Mr. Mancusi's office, relative to the fact that the guards were being slaughtered and that was the precipitating incident that motivated the decision to go into the yard with force. Do I understand that is the sort of question that you would advise Mr. Mancusi not to answer?

Mr. STENGER. I would advise Mr. Mancusi not to answer any questions that might get into the area of possible criminal charges that are currently under investigation by the grand jury.

Mr. WALDIE. None of those criminal charges if I understand correctly, there is no possibility of any criminal charges being levied against the witness before this committee?

Mr. STENGER. Not that I know of, sir.

Mr. WALDIE. Then you are not here to protect him in his constitutional rights.

Mr. STENGER. No, sir; I am not trying to protect —

Mr. WALDIE. I want to ask Mr. Mancusi a question.

Mr. Mancusi, I was interested in the pronouncement that came from Mr. Oswald during the riots to the effect that the guards that were held as hostages were being executed. Were you familiar with that announcement which was made during the riots?

Mr. MANCUSI. Directly familiar, no, sir; I was not.

Mr. WALDIE. Are you aware of such an announcement having been made?

Mr. MANCUSI. I don't know when the news release which you are talking about was made by Mr. Oswald. I know that Mr. Oswald held a press conference and so on. But, I could not say that I have direct knowledge of this. I understand that Mr. Oswald is going to appear before this committee, and I would feel this would be an appropriate question for him, sir.

Mr. WALDIE. All right; I will withhold that question until he is on the stand. Can you tell me whether you had any personal knowledge as to whether the hostages were being executed? Was it your understanding that they were being executed at the time the order was given to go into the yard?

Mr. WIGGINS. Excuse me, Mr. Chairman. May I interrupt? The committee should adjourn into executive session now.

The CHAIRMAN. We will take a 5-minute recess, please. Just make yourselves available; you may be free, if you want, to walk around.

(Whereupon, at 11:10 a.m., a short recess was taken.)

The CHAIRMAN. The committee will come to order, please.

Mr. Mancusi, will you be kind enough to take the stand again?

Mr. Waldie, you were inquiring at the time of the recess.

Mr. WALDIE. Mr. Mancusi, during the insurrection that took place in the riot or the revolt at Attica, were you in full command of making the decisions as to the manner by which that riot was to be controlled during its entire course?

Mr. MANCUSI. No, sir.

Mr. WALDIE. At what point did you lose the authority to make the decisions as to Attica and running that institution?

Mr. MANCUSI. When the commissioner and deputy commissioner arrived, they took command.

Mr. WALDIE. And how much time had transpired involving the riot or the revolt prior to that moment?

Mr. MANCUSI. I believe they arrived about 2 p.m. on the 9th.

Mr. WALDIE. And from that moment on decisions were then made solely or I guess by the commissioner, Mr. Oswald, and deputy commissioner, Mr. Dunbar.

Mr. MANCUSI. Mr. Oswald had the final say. I was then in a subordinate advisory position.

Mr. WALDIE. May I ask you one final question on that phase.

Are you personally persuaded and convinced in retrospect that the decisions made by Mr. Oswald were correct decisions?

Mr. MANCUSI. Sir, this would be purely speculative on my part. Even though I might not have agreed in some areas, I am sure in my own mind that every decision that the commissioner made he felt that it was the proper decision to preserve life and to prevent loss of life and further personal injury. It would be purely speculative on my part to say otherwise. I believe that in the evaluation of the situation certain decisions have to be made by people in charge. This was what happened at Attica, with the results as you know.

Mr. WALDIE. I understand that and it is part of the result that is of concern to us.

One proper area of inquiry for a congressional committee it does seem to me is to determine whether or not the decisions made as to how best to control that insurrection and that riot were proper and I am asking you in retrospect, not whether you would have made different decisions at the time given the facts, but looking back at the matter now from your vast experience as a prison administrator, do you believe that the decisions made in controlling that riot were correct decisions or would there have been a better way to do it?

Mr. MANCUSI. I will say this: Those people who were in rebellion had ample opportunity to surrender the hostages and there would have been no loss of life or the personal injuries that were suffered in the course of the assault. Further, I think that the final resolution of this thing, the loss of lives and the personal injuries, has to be directly upon the people in rebellion who had this opportunity and refused to avail themselves of it.

Mr. WALDIE. Well, perhaps you misunderstood the thrust of my question. I think obviously the people that were in rebellion are the ones that have caused the problem of the riot and there are the ones that were rioting. What I am interested in knowing, would you have

made any different decisions had the authority been solely yours than those that were made, that would have held down the loss of life regardless of who was at fault. I think you would share the view the loss of life was a tragedy.

Mr. STENGER. Mr. Congressman, I don't mean to intervene in any way, but I would like to suggest through the chairman and to the committee that really no good in furthering the purpose of the committee will be served by placing Mr. Mancusi in a position where he is asked to second guess his superior in a situation which is now a matter of the past. Certainly, perhaps, the commissioner might have done things differently, I don't know, and this is something you may wish to pursue with him. But I just suggest that no real good can come now of placing Mr. Mancusi in such a difficult position of what has gone by. We would like to assist the committee in looking into the future in ways to improve the situation.

Mr. WALDIE. It would only be a difficult position, Counsel, if he would find himself in disagreement with the decisions that were made. Now, if it is a difficult position for Mr. Mancusi, I would accept that although I would be interested and I think the committee would profit from knowing what decisions he believes were made in error.

Mr. STENGER. I suggest it is difficult, sir, only in a sense with the benefit of 20/20 hindsight everybody might have done something differently.

Mr. WALDIE. Precisely, but you see that is what we all have, 20/20 hindsight, except Mr. Mancusi's hindsight is more accurate than ours because of his vast experience as an expert in the field. I am not asking him to criticize anybody's decision. We are asking him to make his reevaluation given 20/20 hindsight, not given the facts that existed at that time. He says given the facts that existed at that time he believes the decisions that were made under those facts were accurate; am I correctly paraphrasing your testimony, Mr. Mancusi?

Mr. MANCUSI. Yes.

Mr. WALDIE. So I am not asking him to criticize those decisions at all. I am asking him to say, given the hindsight he now possesses, would he have made any different decisions?

Mr. STENGER. With that restatement of the question, I think I would have Mr. Mancusi answer the question.

Mr. MANCUSI. If I continued to be in charge I would have pushed on or attempted to. However, I can't say what the results would have been. It might have resulted in a greater loss of life, unfortunately. I don't have the power to ascertain what would have happened. But, I would have pushed on; I would have gone as far as I could.

Mr. WALDIE. You mean pushed on from the original position after you had started retaking portions of the prison, you would have continued that course of action?

Mr. MANCUSI. Yes, sir; when I had the capability I would have continued.

Mr. WALDIE. Now back to another area. Mr. Mancusi.

It was an area in which I am not fully clear. I think having one black out of 540, and that black in a position of a teacher, is really rather deplorable statistics involving a prison with its present population almost 50 percent black. What was the percentage of the population racially, black and white, prior to the riot?

Mr. MANCUSI. Fifty-five percent, sir.

Mr. WALDIE. Fifty-five percent white?

Mr. MANCUSI. Fifty-five percent black, about one-half percent red. That would be 44½ percent white.

Mr. WALDIE. Then——

Mr. MANCUSI. Pardon me. You understand what I said?

Mr. WALDIE. I think so.

Mr. MANCUSI. I think 55 percent black, one-half percent red, American Indians, and the remainder were white which I believe would be 44½ percent.

Mr. WALDIE. Well, the statistic and I think you recognize it as such is really almost, well, it is an inexcusable statistic to have one black in 540 employees, in a composition such as you have described. And I gathered you asserted that one of the reasons for that inability to employ more blacks was they had to commute from some city. What city was that?

Mr. MANCUSI. Buffalo.

Mr. WALDIE. Why could they not live in Attica?

Mr. MANCUSI. Evidently they didn't choose to. When you say "inexcusable statistic"——

Mr. WALDIE. That is my description.

Mr. MANCUSI. That is right. But I hope that you will realize that it is not inexcusable on my part because I don't feel that I can accept that since my employees are received through the Department of Civil Service of the State of New York.

Mr. WALDIE. I didn't know that.

Mr. MANCUSI. That is an unfair characterization.

Mr. WALDIE. I wasn't ready to say it is inexcusable on your part, I did not preclude that possibility. All I said was it is inexcusable. Why could not blacks live in Attica? Do blacks live in Attica?

Mr. MANCUSI. Blacks could live in Attica.

Mr. WALDIE. Do blacks live in Attica?

Mr. MANCUSI. I believe that there is one or possibly two black families in the Attica school district.

Mr. WALDIE. What is the population of the school district?

Mr. MANCUSI. I don't know that, sir.

Mr. WALDIE. Well, roughly; is it 10,000?

Mr. MANCUSI. I don't know that. The Attica village population I would say is approximately 2,800.

Mr. WALDIE. Just one last question.

You say this situation where you have one black out of 540 is not your responsibility, yet apparently it is someone else's. Whose responsibility is it?

Mr. MANCUSI. I suppose society's.

Mr. WALDIE. Well, I suppose it might partially be society's fault but you ascribed more specifically the term "society."

Mr. MANCUSI. Possibly the rules of the State government.

Mr. WALDIE. You even had a more specific reference than that. You said the civil service commission or something.

Mr. MANCUSI. This would be a division of the New York State government.

Mr. WALDIE. Is it the civil service commission's fault that you only have one black guard at Attica? One black employee?

Mr. MANCUSI. I wouldn't ascribe fault.

Mr. WALDIE. Well, is—

Mr. MANCUSI. I would say this is a fact.

Mr. WALDIE. Is it their responsibility, then, that you only have one black employee out of 540?

Mr. MANCUSI. In other facilities of this department, which are near to a center of population such as New York City, there is a large percentage, or much larger percentage of blacks working. I would say that I would have liked to have had blacks. Evidently they were unable to obtain. I didn't receive them. When we did have blacks there they usually lived in Buffalo and commuted. I answered and I meant precisely what I said, sir, about this, that we had black employees, and when they could get positions in Buffalo which were equal or better salaried, they would accept them and they wouldn't have to commute. They were living where they preferred to.

Mr. WALDIE. No more questions, Mr. Chairman. Thank you.

The CHAIRMAN. Mr. Steiger?

Mr. STEIGER. Thank you, Mr. Chairman. I will try to be as brief as possible.

Mr. Superintendent, I have been concerned I guess in the broad picture since this and other similar situations have started that inevitably the thrust of inquiry such as represented by the body, by the press, by the media, inevitably seems to be almost a searching as to where did the administration go wrong that created the riot.

I got the feeling after visiting Attica following the disturbance that there was such a thing today in the prison systems within our country as a riot for riot's sake. Now, is that an unfair conclusion from me to draw based on your experience at Attica?

Mr. MANCUSI. Sir, I would say that it is my belief that there is a certain segment of the population at the Attica Correctional Facility whose desire is to tear down the system. This is my belief. When the time was ripe for them to attempt to achieve their desires, this happened. And I feel that, I believe this.

Mr. STEIGER. Well, are you saying yes, then, that there is such a thing as a riot for riot's sake, or disturbance for the sake of a disturbance regardless of the motivating factor?

I don't mean to pin you down but obviously your view is of great help to us.

Mr. MANCUSI. I am saying, sir, that I think there is a definite movement throughout this country in order to break down some of our institutions. This is one of the areas. We have had it in our universities. We are experiencing it in our penal facilities, and I think that when the time is right these people strike and I think this thing was not a spontaneous thing. I think it was organized in order to achieve this.

Mr. STEIGER. All right. I happen to share that general conclusion, for whatever that is worth. But I would also like to know, as I listened to this and as I observed with the committee up at Attica, I find myself thinking you were in a particularly unique, what I consider difficult, position. It seems to me you have a responsibility to assure that no inmate is abused. You also have responsibility to see that no corrections

officer is placed in undue jeopardy. Do you view your role as that kind of a role, to see that no correction officer is placed in any undue jeopardy, and/or no inmate is abused?

Mr. MANCUSI. This is precisely right. I feel that these are dual responsibilities that I have in the performance of my duties.

Mr. STEIGER. Now, when confronted with what has to be a conflict of these two situations, and I think we can all visualize the inevitable conflict where a prisoner contends that he is being abused and the corrections officer contends he is being abused, do we have any structure, either in the New York system or any that you know of, in which a correction officer, who felt he was being placed in undue jeopardy, short of his resigning his job which obviously the prisoner doesn't have this option, has any of the same remedies available to him that the prisoners now apparently have available to them in the way of formal complaint procedure, et cetera?

Mr. MANCUSI. Yes, sir: there are formal grievance procedures and the corrections officers are represented by a union.

Mr. STEIGER. I see. So at least in the New York system the union would be a recourse outside of the prison organization. Is that correct?

Mr. MANCUSI. Yes, sir: if a correction officer felt that he was being unfairly or unjustly treated, he would have recourse to the grievance procedure and he would have the aid of his union representatives to help him process his grievance.

Mr. STEIGER. So, I gather that you feel that there is adequate room for both entities, the correction officers and the inmates, to express grievances without the necessity of the violence that was expressed?

Mr. MANCUSI. Most certainly.

Mr. STEIGER. I think that it might be worthwhile to hear again what the specific situations are. Aside from the normal complaint procedure through your office, what specific remedies are available to the inmate to complain about specific problems? At present, are there any new ones that might evolve as a result of—

Mr. MANCUSI. The inmate presently and previous to the riot had the right and the ability to complain to any member of the executive, judicial, or legislative bodies of the State of New York or the United States of America, or to the commissioner of corrections and his department.

Mr. STEIGER. Excuse me now. Was that in uncensored variety, or was his complaint reviewed by the prison authority?

Mr. MANCUSI. No. This sealed envelope was given to him. He placed his communication in the envelope. The envelope was sealed and placed in the U.S. mail. The only way that I might receive any knowledge of what was in that envelope would be if the recipients would write me for comments or an explanation and so on.

Mr. STEIGER. Well, I think it is important that we understand that because I think it has been overlooked, no matter how you recite the probable cause of any given disturbance. If you don't equate that with the existing avenues that are open for focusing attention on these problems, if in truth the inmates were in some kind of isolation, I would say the remedy would have to be that they could complain. By your testimony you have told us that they have a variety of ways to express a grievance. Apparently the correction officers have a similar program whereby they can express grievances. So it would seem, at

least superficially unless things had broken down and I gather you feel they hadn't, it is very difficult to justify the riot itself beyond the reasons, broader reasons that you expressed. So I for one thank you for your appearance and I yield back my time.

The CHAIRMAN. Mr. Brasco.

Mr. BRASCO. Yes.

Superintendent Mancusi, I suppose one could speak all day about the wisdom of the judgments made in terms of storming the prison and I suppose that we can oversimplify the problem by saying that if we had more black guards, while I personally think it is desirable, that would satisfy the problem. I don't know either of those things would give, bring us to any conclusion. I can only point out in the Tombs of New York, where we have, I believe, 50 percent of the correction officers or close thereto, are black or Puerto Rican, we still had rioting. So I think that while it might help in terms of identification of custodian and prisoner, I don't know that it is a solution to the problem.

Personally, I think that where we go astray, is that the reasons that you gave for the riot are generally the reasons that most people ascribe to the difficulties that we face in America today, and, personally, I am disappointed at that kind of approach, because what it really does in the case of our correctional institution is to take away the focus from what the true problem really is and that is that our institutions have not been able to rehabilitate their inmates. If I remember, being a visitor to Attica along with several other members of the committee, I saw a sheet there that indicated that at least 89 percent of the inmates at Attica, or somewhere around that figure, had previous criminal records: is that correct, Mr. Mancusi?

Mr. MANCUSI. I don't know, sir.

Mr. BRASCO. Well, on the Attica Correctional Facility sheet I was just handed by one of our counsels, the report that we received there indicates that 89 percent had adult criminal records which indicates that the system did nothing for them. That whatever happened during the process of their incarceration they came out into the street and went right back in.

Now, you have been in the correction institution system since 1937; have you not?

Mr. MANCUSI. Yes, sir; I have.

Mr. BRASCO. Would you say that recidivism was on the rise during the period of time that you have been familiar with our correction institutions in the State of New York?

Mr. MANCUSI. I have seen statistics to that effect. May I submit to you, Mr. Brasco, that this problem of corrections is a very complex problem.

Mr. BRASCO. You understand that my question was: is recidivism on the rise?

Mr. MANCUSI. Yes. May I say that this is an area where your successes fade away, your successes are never heard of again, you will never see a headline saying that John Jones was rehabilitated at the Attica Correctional Facility.

Mr. BRASCO. Warden Mancusi, let me say this. This is not intended to criticize any specific institution or those who have control over the institution, but I think I can safely say that 89 percent at Attica hav-

ing prior criminal records is a clear indictment of our system's failure to rehabilitate. And that is all I am saying, I am not placing the blame. Now let me ask you this. I assume when you started out in 1937, that discipline and control might have been much stricter than we have today; would that be correct?

Mr. MANCUSI. That is correct.

Mr. BRASCO. Nevertheless, during that period of time recidivism has been on the rise. Now we have one of two ways to go. Either to admit that inmates in our correctional institutions are incorrigibles and incapable of being rehabilitated, which I don't subscribe to, or the fact that we are actually doing something wrong. Now, let me say this. I notice here on the sheet that you had 80 people in the entire prison population working. Is that correct?

Mr. MANCUSI. Pardon?

Mr. BRASCO. You had 80 people in the entire prison population working at some kind of job: is that correct, or am I wrong?

Mr. MANCUSI. Eighty percent are you talking about?

Mr. BRASCO. Is it 80 percent? The sheet indicates only 80 inmates are working in the industry now. Eighty, not 80 percent.

Mr. MANCUSI. You were talking about the industrial area which was where work was resumed after the riot situation. At the present time there are about 100 which are working in the industrial area.

Mr. BRASCO. Out of about 2,000 inmates or more than 2,000?

Mr. MANCUSI. Presently out of 1,100. That was out of 1,139.

Mr. BRASCO. And you say that their average salary for the work they do is 25 cents to a dollar a day.

Mr. MANCUSI. Yes, sir.

Mr. BRASCO. Now, having some background in criminal law myself, I spent 5½ years as a criminal attorney with the legal aid society, and then about 5 years as the assistant chief of the rackets bureau in the district attorney's office in Brooklyn. Let me ask you this question—and I have seen some of the direct results. When you would release a man having served either his full time or on parole, what would he get when he leaves the prison? On an average, he would have a suit of clothing and what else?

Mr. MANCUSI. He gets \$40 release money, a suit of clothes and whatever funds he has accumulated while he is there.

Mr. BRASCO. Well, I would think it is safe to say 25 cents to a dollar a day he would use that up for necessities in the commissary. You release a man after many years in an institution with \$40 in his pocket and suit of clothes on his back. What about the number of people that are released from your institution that would have jobs waiting for them?

Mr. MANCUSI. Men that are released on condition release would get a job when they get out. They can get out, they then are under the jurisdiction of parole and they must find a job or carry out the regulations of their parole.

Mr. BRASCO. So basically they have no direction at the point that they leave the prison in terms of having a job to go to or place to go to; is that correct?

Mr. MANCUSI. A certain segment. Others who are released on parole, must get, either have a job or be released on a program of reasonable assurance, they must have a satisfactory home and/or satisfactory job.

Mr. BRASCO. There is no direct correlation between any programs that go on in the institution and what happens after a man gets outside the prison walls, and by that I mean no one is being trained in your institution to take a specific job after he gets into the street; is that correct?

Mr. MANCUSI. Well, there were about 450 in metal manufacturing industry before the riot who were participating in this industry wherein they were manufacturing metal cabinets, metal lockers, and library shelving and the skills they were learning were highly marketable.

Mr. BRASCO. There was no assistance in terms——

Mr. MANCUSI. A division of parole does have certain parole officers whose prime job is finding employment for inmates who are eligible for parole.

Mr. BRASCO. But, is it safe to say many of the people who get out on parole or conditional release have no jobs? See what I am driving at, Mr. Mancusi, I think——

Mr. MANCUSI. Sir, if you are saying we should have more job training, I agree with you.

Mr. BRASCO. This is what I am driving at. For instance, in your place I noticed with great interest that you had earphones in the prison cells which music was played over. I also noticed in our discussions that men are incarcerated up to 60 percent of the time because of security problems. Is that correct? Both of those two things, 60 percent of the time and earphones in the cells, right?

Mr. MANCUSI. Yes, sir.

Mr. BRASCO. I am just wondering, it doesn't take too much imagination, if maybe instead of giving them three radio channels to listen to, maybe we could do something like Berlitz does, have vocational training or some kind of training programs that can be pushed in over those earphones so that men could use their time more profitably if they so desire. Has any thought been given to something like that?

Mr. MANCUSI. No, sir. We did have a cell study program which was being availed of by probably 500 to 600 inmates.

Mr. BRASCO. But nothing with the earphones and the radios since they are confined 60 percent of the time?

Mr. MANCUSI. The radio itself had not been used; that is correct.

Mr. BRASCO. Do you think that might be worth while to be considered?

Mr. MANCUSI. There is a possibility if programs could be found wherein this could be used for an educational achievement; yes.

Mr. BRASCO. Now, I noticed that during the time of the rioting there were still six inmates who went to communities and in work-release programs; is that correct?

Mr. MANCUSI. That is correct.

Mr. BRASCO. Up to that time in that program, how many men were there, just six or was it more than six?

Mr. MANCUSI. Six.

Mr. BRASCO. Just six. How long had that program been implemented?

Mr. MANCUSI. Since April of 1971.

Mr. BRASCO. So it just began.

Mr. MANCUSI. Yes. However, four of those men have already been released and three of them have been successful in continuing employment in that industry, and one left and four others have taken their place, so there are still six.

Mr. BRASCO. Do you think that is a good program?

Mr. MANCUSI. Yes, sir.

Mr. BRASCO. Do you think it should be expanded?

Mr. MANCUSI. If it is possible, I certainly do.

Mr. BRASCO. What do you mean "if it is possible"?

Mr. MANCUSI. This is dependent upon the economic situation in the area.

Mr. BRASCO. Thank you, Mr. Mancusi.

The chairman tells me we are running a little late, but the questions I asked you were just geared to the fact I think what we really need is some more training programs and a little imagination in our institutions, again not singling out any institution, but I think if we use them for more custody of individuals, behind bars, the problem of 89 percent recidivism is going to remain 89 percent, and possibly get to a point of 100 percent. Thank you.

The CHAIRMAN. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.

Mr. Mancusi, just several short questions because of the time problem. You said you thought you should have more staff. Had you asked Mr. Oswald or the State authority for additional staffing?

Mr. MANCUSI. Yes, sir; I have.

Mr. WINN. What type of staffing did you suggest, were they guards, maintenance? What did you ask for?

Mr. MANCUSI. Supervisors, correction officers, also on many instances positions such as recreation direction, a trained recreation director. I had requested in previous annual reports more dental help, more in expansion of the other programs such as the educational programs, and so on.

Mr. WINN. How many additional men and women did you ask for? I guess they are all men, aren't they?

Mr. MANCUSI. Yes, sir.

Mr. WINN. How many did you ask for and how many times did you ask for them?

Mr. MANCUSI. I had made requests for certain positions in the annual report and on a number of occasions. For other positions I had made written requests and I have made oral requests on a number of occasions.

Mr. WINN. The general answer was because of the economic situation that they didn't have any additional money?

Mr. MANCUSI. The budget.

Mr. WINN. It would be considered but they couldn't give them to you now; right?

Mr. MANCUSI. Yes, sir.

Mr. WINN. You have mentioned some of the people that would not be allowed to visit, talking about visitation. Some of the complaints that you received from the inmates.

Mr. MANCUSI. Yes, sir.

Mr. WINN. You said that there was a screening process of some of the people who might want to visit some of the inmates. Could you

give us a little more background on the screening process and what type of people would be screened out? I don't mean to mention names.

Mr. MANCUSI. Well, all members of the immediate family are on the approved visiting list. A friend or friends might be on, might be screened out, depending upon the size of his list. People with criminal records of certain degrees would be certainly screened out who are not the relatives.

Mr. WINN. You could have a request by an inmate to have a known antagonist or revolutionary, or militant person from New York or Brooklyn, or anyone, anywhere else come visit him; could you not?

Mr. MANCUSI. If I did not believe that this person would be a good influence on this man, and he were not related, I would not permit it.

Mr. WINN. So you have the authority to screen these.

Mr. MANCUSI. Yes, sir.

Mr. WINN. You could question the background of these individuals.

Mr. MANCUSI. Yes, sir.

Mr. WINN. All right.

Now, is that the type of complaints that some of the inmates were making on their visitation rights and on the guests and on screening that some of those types of people were cut out, screened out?

Mr. MANCUSI. Sometimes it would be a matter of a married man with two or three girl friends he wanted on the list. Occasionally it could be the situation such as you cited.

Mr. WINN. I am not talking about that type of problem. I am talking about whether there might be a so-called militant, an organizer, someone who might be responsible for planting an additional idea with the inmates for a riot.

Mr. MANCUSI. If I knew of such a case, I would not permit him to visit.

Mr. WINN. But my point is in the complaints, the written complaints. Is this one of the original five or I don't know how many; is this the type of complaint that was one of the complaints?

Mr. MANCUSI. That is a complaint that has been made. Do you mean was that one of that 28 of the proposals or complaints?

Mr. WINN. In the past, have you received complaints based on your authority to do the screening of visitors and issue visitation rights?

Mr. MANCUSI. Yes.

Mr. WINN. So they don't like the fact you may cross out people of this caliber?

Mr. MANCUSI. No, sir.

Mr. WINN. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

Mr. Mancusi, in describing the classification of Elmira, did I understand you to say that was for minors only?

Mr. MANCUSI. At Elmira Reception Center, between the ages of 16 and 21, sir.

Mr. MANN. All right.

The classification system that relates to your four judicial districts is operated within your institution?

Mr. MANCUSI. Yes, sir.

Mr. MANN. You feel it is an adequate classification system?

Mr. MANCUSI. It is not the equal of the classification system at the Elmira Reception Center.

Mr. MANN. Describe briefly the period of time and the method used.

Mr. MANCUSI. At the Attica Correctional Facility, a period of about 30 to 45 days is known as the orientation period at which time a man receives additional interviews, he receives orientation, receives testing and a program either in the institution or a recommendation for transfer is made.

Mr. MANN. Having determined that a person should be transferred to a different type of institution, you mentioned the recommendation for transfer.

Mr. MANCUSI. The State correction department has a list of the criteria for the various institutions in the department to which people can be transferred and the institutions service units avail themselves of these criteria in their classification process in making a decision as to whether a person should be transferred or not.

Mr. MANN. Is that decision made at Attica?

Mr. MANCUSI. No; the final decision is made in the central office. This is a recommendation which is submitted to the central office of the department of correctional services.

Mr. MANN. All right.

Since you have received these prisoners from a geographical area, it is obvious that you have a broad range of types of prisoners. Does the State department of corrections respond to your recommendations for transfer of prisoner that you have determined should go somewhere else or are you stuck with them because of geography and other things?

Mr. MANCUSI. Usually the transfers, recommendations are followed; occasionally they are not.

Mr. MANN. The same rule holds true for requested transfers over a longer period of time when a prisoner has been determined to be appropriately assigned somewhere else?

Mr. MANCUSI. I think insofar as possible it is the policy of the department to transfer an individual as near to the area from which he comes as possible. Unfortunately many people come from the metropolitan areas and it is physically impossible to return everybody back to that area who wishes to go there.

Mr. MANN. In your experience in various assignments within the correction system of New York, did you see a correlation between this proximity as related and prisoner attitude?

Mr. MANCUSI. I personally believe that it would be better in most cases for a man to be near his family so visits could be maintained and family ties continued.

Mr. MANN. Have you had any experience with conjugal visits?

Mr. MANCUSI. No, sir; no, sir, I have not.

Mr. MANN. Do I understand correctly that you only have one co-operating employer in the Attica area with reference to the work-release program?

Mr. MANCUSI. Yes, sir; this is a pilot industry or pilot program which was started in April and it has proved to be very successful.

Mr. MANN. Is that peculiar to Attica or does the Department of Corrections of the State of New York have any work-release program that applies to all institutions?

Mr. MANCUSI. I believe there are certain other institutions which do have work-release programs. I know Auburn has a work-release program.

Mr. MANN. Is that your first experience with the work-release program?

Mr. MANCUSI. Yes, sir; it is.

Mr. MANN. Is there any effort, ongoing effort, at this moment to expand that program and to provide for other types of employment in the immediate vicinity of the Attica facility?

Mr. MANCUSI. Sir, I believe that this program will be expanded in time.

Mr. MANN. How many people in your institution are working directly with this program, staff people?

Mr. MANCUSI. At the present time?

Mr. MANN. Yes.

Mr. MANCUSI. The service unit, some areas of the custodial department.

Mr. MANN. You mentioned that you would be interested in getting some additional personnel. Are you adequately staffed with psychologists, counselors, to assist with not only a work-release-type program but psychological—

Mr. MANCUSI. No, sir; we are not.

Mr. MANN. Do you recognize many situations upon individual prisoners where they could benefit from additional counseling and psychiatric counseling?

Mr. MANCUSI. Yes, sir, Mr. Mann; it is my belief that institutions should be much smaller, so that there can be a greater personal interaction between both the custodial and what might be termed "rehabilitative," although every employee of a correctional institution certainly has a rehabilitative duty and responsibility.

Mr. MANN. Do you see any possibility of improving the working relationship between your facility and the medical facilities in the area such as the Roswell Park Memorial Institute? Do they have the capacity in their psychiatric department, for example?

Mr. MANCUSI. The Roswell Park Memorial Institute is a specialized institution for the treatment of cancer.

Mr. MANN. Are there any general medical facilities in that area with whom you might improve your relationship?

Mr. MANCUSI. We have a working relationship with the Meyer Memorial Hospital which is an Erie County institution. We also have a relationship with the University of Buffalo Medical School through the dean and we also have a working relationship with the University of Buffalo Dental School, and we have had dental and medical studies in connection with this relationship.

Mr. MANN. Does the State of New York have a system of presentence investigation?

Mr. MANCUSI. Yes, sir; a probation report is usually received and supposed to be received in all cases.

Mr. MANN. I am speaking of the judge having such a presentence investigation before he sentences.

Mr. MANCUSI. To the best of my knowledge the probation report would be available to the judge before sentencing.

Mr. MANN. Has any effort been made by the Department of Corrections of New York to correlate recidivism with the type of institution that the person may have inhabited or the type of training that he may have received?

Mr. MANCUSI. Well, there are a number of various types of institution which seem best fitted to deal with their case.

Mr. MANN. Well, I am speaking of the followup after they have been dealt with, the best institution in the judgment of the State of New York; how has it worked, what are the results?

Mr. MANCUSI. There is much statistical information that is put out by the division of parole every year in their annual reports, which would be available to you. There is a division of research in the department of correctional services, which I would think could answer questions which you might put.

Mr. MANN. You spoke of the bright spots of rehabilitation. How about describing them to us in your experience.

Mr. MANCUSI. I didn't understand that question.

Mr. MANN. You referred earlier to the fact that there are bright spots in the rehabilitative effort of the New York correction system at Attica and some of the other institutions that you have been involved with. Describe for us briefly some of the bright spots.

Mr. MANCUSI. The bright spots are the people who at some time or other have been under your care and who have adjusted to society after they have gone out. They have been successful and they have the courtesy. I guess you would say, to thank you and to tell you that you had an influence upon them. Oftentimes some of the things which were very influential in this case were something that was a matter of your everyday duties but to them it assumed unusual proportions. It is rather like a schoolteacher who occasionally sees pupils who were in the class and the interrelationship had a very substantial effect upon a pupil and he sees the teacher or feels inclined to tell the teacher about it and may even write to the teacher. After this riot I had a number of letters from previous inmates who thanked me and encouraged me, so I would say that these were bright spots.

Mr. MANN. Aside from the personal relationship which you mainly allude to that does develop a motivation for the prisoner, have you recognized any systems which have consistently produced these bright spots?

Mr. MANCUSI. Sir, I think that this is a necessary task of the research department, which is 5 or 6 years old, and they are going to have to amass data and find out the programs which are successful and find out why those programs are successful and if they do find that certain programs or certain institutions have a high degree of success or a higher degree than others, to find out why and do something about it.

Mr. MANN. Then you are saying that is what we haven't done up to this point?

Mr. MANCUSI. I say this is what we have to do more intensively.

Mr. MANN. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Wiggins.

Mr. WIGGINS. Thank you, Mr. Chairman.

I am sorry the circumstances made it necessary for me to leave for a while. Therefore, Mr. Mancusi, I missed a portion of your testimony

and I hope my questions will not repeat those that may have been asked by my colleagues.

Are there any ongoing Federal programs in the Attica prison at the present time?

Mr. MANCUSI. Yes, sir; there is a program of vocational rehabilitation.

Mr. WIGGINS. Can you describe that program, please?

Mr. MANCUSI. This is a program that is jointly funded by the Federal Government, the division of rehabilitation and the department of correctional services for the purpose of aiding handicapped inmates. Where an inmate has a physical handicap which meets the criteria of this program, they are transferred to Attica and every effort is made to physically rehabilitate this deficiency through the work of specialists, or surgeons, or therapeutic treatment.

In addition, vocational and academic evaluation is made and an effort is made to aid and find out what the individual is able to do within the limits of his disability.

Mr. WIGGINS. How many people are enrolled in that program sir?

Mr. MANCUSI. At any one time probably the maximum has been I would say probably 85, certainly under a hundred at any one time.

Mr. WIGGINS. Has it been ongoing for some time?

Mr. MANCUSI. Since 1967. It has been an experimental program and I have recommended that it be continued.

Mr. WIGGINS. What specific additional Federal programs might you recommend?

Mr. MANCUSI. I would recommend additional vocational opportunities, additional academic opportunities. I would recommend as well as vocational, greater maintenance job training activities and certainly more psychological and psychiatric services so that more intensive counseling, and I am talking about the utopian situation where I had everything that was needed.

Mr. WIGGINS. Is it correct that the only reason that these programs are not now undertaken by the State is the funding problem?

Mr. MANCUSI. Funding is the problem.

Mr. WIGGINS. As you know, part E of the Law Enforcement Assistance Act provides funds for State prisoner programs.

Have any such Federal funds filtered their way down to Attica?

Mr. MANCUSI. Yes, sir; and I am sure that the commissioner and the deputy commissioner will be better able to answer this. But there have been moneys for various programs which have been negotiated for.

Mr. WIGGINS. But is it correct that you have not yet received funds?

Mr. MANCUSI. I have been informed that the department has received funds for certain programs from LEAA.

Mr. WIGGINS. Yes. But I am speaking now of Attica prison. Have funds been spent under part E at Attica as yet?

Mr. MANCUSI. Not as yet.

Mr. WIGGINS. Can you tell me how you propose to spend them at Attica?

Mr. MANCUSI. For equipment and training of personnel.

Mr. WIGGINS. Earlier in your testimony, Mr. Mancusi, you spoke of certain Federal court decisions which you felt contributed to the tension at Attica. Specifically, what is it that you complain of?

Mr. MANCUSI. Well, one that I can think of offhand is the fact that a Federal judge required me to return Auburn troublemakers to the general population when I felt that they would have a contaminating effect upon the general population, and these leaders later turned up among the people who were in the insurrection or riot.

Mr. WIGGINS. Did I understand you correctly to say that the Federal court ordered the release of prisoners that later turned out to be troublemakers?

Mr. MANCUSI. Ordered me to return them from a special housing unit to the general population.

Further, they ordered me to, if they were returned to a special housing unit, that I must notify their attorney within 6 hours.

Mr. WIGGINS. This is a conditional release program that you are talking about?

Mr. MANCUSI. No, sir; I am talking about the general prison population.

Mr. WIGGINS. The general population or general prison population?

Mr. MANCUSI. Yes, sir.

Mr. WIGGINS. I understand.

Have you experienced any difficulty as a prison administrator with the Federal habeas corpus procedures?

Mr. MANCUSI. Sir, I am spending much time justifying by affidavit, actions which have arisen as a result of this type of action.

Mr. WIGGINS. Do you have any recommendations to us concerning that?

Mr. MANCUSI. I would suggest that the previous policy wherein an inmate was required to exhaust his State remedies before making a Federal writ should be reinstituted.

Mr. WIGGINS. Now, is this merely an inconvenience or is it a serious administrative matter as far as you are concerned?

Mr. MANCUSI. I feel it is a serious factor in the Federal intervention.

Mr. WIGGINS. You spoke of the grievance procedure available to prisoners at Attica and you said they had a right to contact certain prison officials. Is that right created by statute or is it merely a prison policy—if you know the answer?

Mr. MANCUSI. I would say it is a traditional prison policy.

Mr. WIGGINS. How is that policy made known to the prisoners?

Mr. MANCUSI. Through an inmate handbook.

Mr. WIGGINS. How is the inmate brought together with the handbook? Is every new inmate given a copy of the handbook?

Mr. MANCUSI. This is supposed to be the situation. However, the handbook is in the process of revision and for some time this hasn't been done. It was done previously and it will continue to be done.

Mr. WIGGINS. Do you have any recommendations to this committee concerning a better procedure for airing grievances in prison than may exist at Attica? Have you thought about the problem to the extent that you might recommend some optimum rules that should be followed in all prisons for airing grievances?

Mr. MANCUSI. I feel that they have adequate opportunity to air grievances.

Mr. WIGGINS. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Rangel.

MR. RANGEL. Mr. Mancusi, your presence has been conspicuous by its absence since the Attica uprising. Have you been instructed not to discuss any of the facts in connection with your role, or lack of role, as it relates to the Attica situation?

MR. MANCUSI. No, sir; I have not.

MR. RANGEL. Have you ever appeared any place and discussed your role in the Attica uprising without the advice of counsel?

MR. MANCUSI. I haven't discussed my role previously.

MR. RANGEL. Guards, commissioners, and Judge Fisher and members of the negotiating committee have made themselves available to the press but you have not; is that correct?

MR. MANCUSI. Well, I talked to the press on occasion. I have talked to the television medium but I have not actively sought interviews.

MR. RANGEL. Nor have you been extremely cooperative in agreeing to interviews; is that correct?

MR. MANCUSI. For a time I attempted to take care of my business without access to the press.

MR. RANGEL. Were you consulted at all during the time of the Attica uprising by the commissioner and people from Governor Rockefeller's office prior to the time that you were removed from being in charge of the takeover?

MR. MANCUSI. Yes, sir.

MR. RANGEL. And is it normal procedure that the warden of a particular institution at a time of an uprising be removed from the decisionmaking process?

MR. MANCUSI. I don't know, sir.

MR. RANGEL. Well, certainly you are familiar with the policies that exist as to what a warden's responsibilities should be when there is an uprising.

MR. MANCUSI. A warden is, or a superintendent is a subordinate officer of the commissioner and operates under the rules and regulations and order of a commissioner and the deputy commissioner.

MR. RANGEL. But you don't know whether it is unusual for the warden to be removed, the warden who is most familiar with the inmates, in a situation which would bring about an uprising; that you were removed from the decisionmaking process?

MR. MANCUSI. Sir, I was privy to the decisionmaking process yet the people who had the responsibility had assumed command and the commissioner had the responsibility of command.

MR. RANGEL. You had testified earlier that perhaps you would have worked things out differently had you been allowed to remain in charge of the takeover.

Tell me what your professional opinion is about negotiating with prisoners while they have hostages under their control.

MR. MANCUSI. I personally do not favor negotiation.

MR. RANGEL. When you said you would have pushed on, are you implying that had the decision been yours you would have moved in with National Guard, State troopers and guards much earlier than when the final decision that was made?

MR. MANCUSI. That is what I said; yes, sir.

MR. RANGEL. And you would have had them as fully armed as they were at the time that decision was made by people other than yourself?

Mr. MANCUSI. I would have used the necessary armament in order to achieve the takeover; yes, sir.

Mr. RANGEL. And do you believe that it was necessary to use the type of armament that was used in the Attica uprising?

Mr. MANCUSI. Yes, sir; I do.

Mr. RANGEL. Now, what is your professional feeling about prisoners being allowed to send out uncensored mail?

Mr. MANCUSI. If censorship is taken away I feel that the prisoner would be the loser because through censorship many things which accrue to the prisoner's value are found out. For example, home situations which might cause depression, possibly suicide. The prisoner if he were working in an outside area where escape is not a great problem and it is found that he has a bad problem in his family, he may decide through his emotional disturbance to just take off and leave and then bring a new sentence.

Mr. RANGEL. So it is your professional belief censorship benefits the prisoner?

Mr. MANCUSI. Yes, sir; I do.

Mr. RANGEL. Under the present rules, as I understand them, the inmates are allowed to write lawyers and politicians uncensored mail. Is that correct?

Mr. MANCUSI. Yes, sir.

Mr. RANGEL. Do you believe that this policy contributed in any way to the uprising at Attica?

Mr. MANCUSI. Yes, sir.

Mr. RANGEL. Would you explain to us how?

Mr. MANCUSI. Because this policy in certain instances was abused. And matters in violation of institutional departmental regulations and even I believe in violation of the law of New York State—

Mr. RANGEL. Can you be more specific as to how this policy was abused?

Mr. MANCUSI. Well, it was abused in that some people were sending in information from inmates of one facility to inmates of another facility to let them know what was going on. It also was abused in that demands from other prisons out of the New York State jurisdiction were submitted to people in the facility and as a result of these demands, demands were tailored to fit—

Mr. RANGEL. Let's clear that up. The prisoners are not allowed to write other inmates in other institutions; are they?

Mr. MANCUSI. No, sir.

Mr. RANGEL. So if there was any abuse it would have to be made by members of the bar and/or politicians; is that correct?

Mr. MANCUSI. It would have to be made by someone who had the privilege of the sealed envelope.

Mr. RANGEL. Is there anybody besides politicians and lawyers that have this privilege of receiving sealed envelopes?

Mr. MANCUSI. The commissioner's office, the members of the legislative, judicial, or executive departments, or the State and Federal Government, and attorneys.

Mr. RANGEL. And it is your belief that as a result of some of these people receiving sealed envelopes they contributed to the uprising in Attica; is that correct?

Mr. MANCUSI. That is my belief.

Mr. RANGEL. And when you speak about revolutionaries, do you believe that some of the people that were privileged to receive sealed envelopes were part of revolutionary groups?

Mr. MANCUSI. I feel that there was activity in this area; yes, sir.

Mr. RANGEL. So that there would be some type of conspiracy between those privileged to receive sealed envelopes and inmates from your institution?

Mr. MANCUSI. That is my belief.

Mr. RANGEL. And is it your belief that these revolutionaries were advocating the overthrow of the U.S. Government?

Mr. MANCUSI. That is my belief.

Mr. RANGEL. That the uprising at Attica could be interpreted by you to be a Communist conspiracy, the result of a Communist conspiracy?

Mr. MANCUSI. I didn't use the word "Communist" at any time. I said groups who would desire the overthrow of the system.

Mr. RANGEL. Do you believe that these revolutionaries are Marxist or Communist inspired?

Mr. MANCUSI. I believe that they could be either Marxist or Maoist.

Mr. RANGEL. Now, you taught the subject of sociology at Elmira College, did you not?

Mr. MANCUSI. Yes, sir.

Mr. RANGEL. Will you tell this committee what subjects you taught?

Mr. MANCUSI. Juvenile delinquency.

Mr. RANGEL. Were you restricted to that area?

Mr. MANCUSI. That was the course which I taught.

Mr. RANGEL. As a result of your professional experience, do you believe that you have the background and training to determine the political background of prisoners who are placed in your custody?

Mr. MANCUSI. I don't know that I can fairly answer your question.

Mr. RANGEL. Let me put it another way. You actively advocated the removal from your institution of revolutionary troublemakers and militants, did you not?

Mr. MANCUSI. I requested the removal of certain people who I felt to be leaders and were working for the downfall of the system.

Mr. RANGEL. Revolutionaries; is that correct?

Mr. MANCUSI. This is a term which is used.

Mr. RANGEL. So you do believe yourself qualified to determine the political background of inmates that have been subjected to your custody?

Mr. MANCUSI. I believe that I am able to have a belief.

Mr. RANGEL. Now, could you tell me what criteria you use in determining who the revolutionaries are?

Mr. MANCUSI. I would believe the literature.

Mr. RANGEL. What literature?

Mr. MANCUSI. The literature which they are interested in.

Mr. RANGEL. How would you be able to determine their interest—through conversations?

Mr. MANCUSI. By the literature which they receive or attempt to receive.

Mr. RANGEL. What literature do you believe to be revolutionary in nature?

Mr. MANCUSI. I believe that there is literature which is far left.

Mr. RANGEL. Could you describe the type of literature that, in your professional opinion, is far left?

Mr. MANCUSI. Yes; literature which espouses Marxist doctrines, literature which espouses Maoist doctrines.

Mr. RANGEL. And this literature is allowed to come into your institution?

Mr. MANCUSI. Any literature that comes to the institution must go before a media review committee, and then be sent to a departmental review committee, and a decision is made.

Mr. RANGEL. And this review committee has allowed this Communist literature to enter the institution?

Mr. MANCUSI. I would say the review committee is quite lenient, and there has been a change in the type of literature which has been received which may have an inflammatory effect upon the thought processes of the men confined.

Mr. RANGEL. With the exception of the literature that is approved by the review committee, what other criteria do you use to determine when an inmate is far left?

Mr. MANCUSI. His talk.

Mr. RANGEL. Would you describe that type of talk?

Mr. MANCUSI. The actions which he espouses.

Mr. RANGEL. Could you be a little more specific as to what type of language an inmate would use for you to determine that he is a revolutionary, Communist, Marxist, or to the far left?

Mr. MANCUSI. If he says that he is a Communist or a Marxist and that he feels that this system is wrong and that this system should be destroyed.

Mr. RANGEL. Well, most of the revolutionaries that you are talking about have described themselves to you as being Marxist and Communists. Have you had inmates come to you, Mr. Mancusi, and tell you they were Marxists and Communists?

Mr. MANCUSI. I have had inmates tell me that they believe in communism or that they believed in Maoism and that they felt that this country was——

Mr. RANGEL. Not just?

Mr. MANCUSI. That is right.

Mr. RANGEL. And so those who have come to you and said that they believe the system is unjust, and those who receive literature which you labeled to be to the far left, these are the people whom you would identify as being troublemakers and would have removed?

Mr. MANCUSI. Only if their actions also went along with their thought processes.

Mr. RANGEL. Now, would you please describe the type of actions that permit you to label a person a revolutionary, besides his admission there were injustices committed in this country, or besides his reading literature that may have been earlier approved by the review committee?

Mr. MANCUSI. And these people would be continuously fighting the system, attempting to organize.

Mr. RANGEL. Would you please be more specific? What actions were taken by these people?

Mr. MANCUSI. Sir, I cannot be more specific.

Mr. RANGEL. What would you do with these people, Mr. Mancusi?

Mr. MANCUSI. Until such time as they violated rules and regulations, I would maintain them as any other inmate.

Mr. RANGEL. What I am asking is, what would you like to have done with these people when you removed them from the general prison population?

Mr. MANCUSI. I would like to have placed them in a special program institution specifically designed to deal with this type of people.

Mr. RANGEL. How would you deal with it, Mr. Mancusi?

Mr. MANCUSI. Through close custody and attempt at reeducation.

Mr. RANGEL. Close custody I understand. What method of reeducation would you suggest?

Mr. MANCUSI. Whatever methods that the experts would believe would be most effective.

Mr. RANGEL. Aren't you an expert?

Mr. MANCUSI. I don't believe I could classify myself as an expert in reeducation of Communists or believers of any "ism" which is foreign to our country.

Mr. RANGEL. What percentage of your prison population would you identify as having these tendencies?

Mr. MANCUSI. A relatively small percentage.

Mr. RANGEL. And approximately what would that number be?

Mr. MANCUSI. I would be very reluctant to state a number.

Mr. RANGEL. When you requested from Commissioner Oswald a transfer of certain revolutionaries were you vague or specific?

Mr. MANCUSI. No, sir; I was specific and I requested five at that time.

Mr. RANGEL. Were the five all black?

Mr. MANCUSI. No, sir.

Mr. RANGEL. What was the ethnic composition of the five?

Mr. MANCUSI. One white, four black.

Mr. RANGEL. Now, regarding revolutionaries whom you have come in contact with, generally speaking: What would their ethnic composition be? Would, generally speaking, the overwhelming number be black?

Mr. MANCUSI. Sir, I didn't cite these people as revolutionaries at the time; I cited them as agitators and troublemakers.

Mr. RANGEL. Let's talk about revolutionaries.

Mr. MANCUSI. Revolutionaries might be white or black. It is not a matter of the color of the skin, it is a matter of his conviction.

Mr. RANGEL. I agree with you.

In the course of your professional exposure to these inmates, have you been able to make any determination as to what they were?

Mr. MANCUSI. No, sir.

Mr. RANGEL. You couldn't tell whether they were white or black?

Mr. MANCUSI. No, sir.

Mr. RANGEL. Now, you gave a report here, a breakdown of the population of your institution as being 55-percent black, one-half percent red, and 44½-percent white. Was there any substantial segment of the ethnic group that you left out?

Mr. MANCUSI. Sir, this was by race, not by ethnic group.

Mr. RANGEL. So the Spanish-speaking people would be incorporated in what percentage here?

Mr. MANCUSI. I don't feel that I am able at this time to give you a percentage of the Spanish speaking.

Mr. RANGEL. Have you any idea how many you have?

Mr. MANCUSI. This would be an estimate off the top of my head and I would say that there were probably 300 Spanish speaking in the population at that time.

Mr. RANGEL. Now, you have 300 Spanish speaking——

Mr. MANCUSI. By this, sir, I do not mean 300 who couldn't speak English either. I did not mean that.

Mr. RANGEL. But a substantial number of them probably could not speak English.

Mr. MANCUSI. No; it is my belief, sir, that that is not true, that there was a large number that could not speak English.

Mr. RANGEL. A large number could not?

Mr. MANCUSI. No.

Mr. RANGEL. A small number could not?

Mr. MANCUSI. I would characterize it as a small number.

Mr. RANGEL. You believe your two Spanish-speaking guards are sufficient to allow you to communicate with that number of Spanish-speaking people who could not speak English?

Mr. MANCUSI. No; it would be nice if we had more Spanish-speaking officers.

Mr. RANGEL. Well, let me ask this, Mr. Mancusi. What specific written requests have you made to improve this situation? Have you specifically written and asked for more Spanish-speaking people at any time since you have been warden?

Mr. MANCUSI. Requests for Spanish-speaking officers have been made. An examination was held for Spanish-speaking officers and a budgetary appropriation was set up for each institution to have a Spanish-speaking officer and in my case I have two because I believe that one transferred there.

Mr. RANGEL. Have you specifically written to the commissioner or any other State official and asked for Spanish-speaking personnel?

Mr. MANCUSI. For further, no, sir; I have not.

Mr. RANGEL. Have you specifically written and asked for more black personnel at Attica?

Mr. MANCUSI. I have specifically informed the commissioner's office——

Mr. RANGEL. In writing?

Mr. MANCUSI. I am not sure whether I have or not.

Mr. RANGEL. Is the mayor of Attica a member of your staff?

Mr. MANCUSI. Yes, sir.

Mr. RANGEL. Have you discussed the problems that you faced with the mayor in his capacity as mayor?

Mr. MANCUSI. Not specifically. As mayor on a few occasions where there have been problems concerning the village and the institution I have discussed this with him.

Mr. RANGEL. Have you gone into the village and asked them to provide you with Spanish-speaking people on a voluntary basis or anything to assist you to better communicate with your inmates?

Mr. MANCUSI. No, sir; I have not. I rather doubt there are any Spanish-speaking people in the village.

Mr. RANGEL. What makes you doubt that?

Mr. MANCUSI. Because of my knowledge of the village composition.

Mr. RANGEL. So you know the educational background and training of the people to be able to decide whether or not they can speak Spanish; or are you saying that you have no Puerto Ricans in Attica?

Mr. MANCUSI. It is a relatively small village, sir, and I don't claim to know everybody. I just said what my belief was.

Mr. RANGEL. Do you speak Spanish?

Mr. MANCUSI. No, sir; I do not.

Mr. RANGEL. Have you attempted to study Spanish?

Mr. MANCUSI. I took a crash course at one time on certain expressions and I have a slight understanding of a few expressions; however, I certainly by no means of the imagination say that I speak Spanish.

Mr. RANGEL. Have you received any complaints from the inmates that they were subjected to verbal abuse by being called "niggers" and "spics" by the guards under your control.

Mr. MANCUSI. I have heard this since this riot. Previous to that I don't know of complaints of that nature.

Mr. RANGEL. Do you believe that this has been going on in your institution?

Mr. MANCUSI. This possibly has occurred but certainly if it has it hasn't been with any official cognizance and it is, I am sure, the knowledge of all people this is not certainly an administrative position.

Mr. RANGEL. Are you familiar with a man by the name of Robert George, past president of the Attica Lions?

Mr. MANCUSI. Yes, sir.

Mr. RANGEL. Are you still a board member of the Attica Lions?

Mr. MANCUSI. Yes, sir.

Mr. RANGEL. Has he been inside of your institution?

Mr. MANCUSI. Yes, sir; he was in during the riot.

Mr. RANGEL. Is he a personal friend of yours?

Mr. MANCUSI. I would say that he is.

Mr. RANGEL. Did he inform you that the inmates were subject to this type of verbal abuse?

Mr. MANCUSI. He did not.

Mr. RANGEL. Did you read any place that he had publicly stated this, in fact, did occur?

Mr. MANCUSI. I read where he said that this had been said; yes, sir.

Mr. RANGEL. Now, is it a fact that your inmates are locked in their cells 60 percent of the time they are in the institution?

Mr. MANCUSI. Sixty percent of the time I would say is a fair assessment.

Mr. RANGEL. And did you not testify that, as far as your vocational training program was concerned, you never have more than 100 men involved in that program?

Mr. MANCUSI. No, sir; I did not.

Mr. RANGEL. How many men out of your population are actively involved in a vocational training program?

Mr. MANCUSI. We have four vocational training instructors and these are in the areas of barbering, auto mechanics, machine shop practice, drafting and blueprint reading. The number that I spoke about was the number that is presently in the correctional industries program, the metal manufacturing plant.

Mr. RANGEL. You have four instructors and you had four instructors prior to the uprising at Attica; is that correct?

Mr. MANCUSI. Yes, sir.

Mr. RANGEL. And are they in charge of the entire vocational training program at Attica?

Mr. MANCUSI. They are in charge of the vocational program. However, this is not the only vocational education that is rendered at Attica. There is much vocational training that has accrued as a result of the maintenance training activities.

Mr. RANGEL. Well, if you put all of your training programs together, how many men would be involved in them?

Mr. MANCUSI. I would say that a substantial number of the population receives some type of vocation or trade program training.

Mr. RANGEL. You have 2,000 men, or you did have.

Mr. MANCUSI. 2,250 at that time.

Mr. RANGEL. Out of 2,250, how many people would you say are involved in some type of training program?

Mr. MANCUSI. I would say a substantial majority.

Mr. RANGEL. And how many people do you have as trainers of this program, of these various programs, besides your four specified teachers?

Mr. MANCUSI. There are 147 employees of various categories.

Mr. RANGEL. Let's talk about training. Let's talk about rehabilitation. I am talking about preparing an inmate to face some of the problems when he is discharged. How many people do you have listed under your educational training staff?

Mr. MANCUSI. If you are talking about the educational department, there is a supervisor of education, six teachers, and four vocational instructors.

Mr. RANGEL. So you had 11 people to rehabilitate 2,500 people?

Mr. MANCUSI. To carry on the educational program.

Mr. RANGEL. Now, you are not what one might call an advocate of reform; are you?

Mr. MANCUSI. Pardon?

Mr. RANGEL. You are not the type of a warden that one might describe as an advocate of prison reform; are you?

Mr. MANCUSI. I certainly am.

Mr. RANGEL. Well, could you specifically—

Mr. MANCUSI. I have spent my life in this profession and if I didn't believe that reform or rehabilitation was possible, I wouldn't have stayed in it.

Mr. RANGEL. Maybe I didn't make my question clear because many of us in the Congress are not activists in reform of the Congress—but what I meant was the conditions that exist in prisons. I am not talking about reforming the individual. But there are many changes that you would like to see take place in the prison system as distinguished from reforming the inmate?

Mr. MANCUSI. Yes, there are; there are numerous changes.

Mr. RANGEL. Have you fought over the years for these specific changes as an advocate of prison reform?

Mr. MANCUSI. I feel that I have made my position known.

Mr. RANGEL. Could you please wind up for the committee and tell us what those burning changes are that you have advocated over the years that you have been a warden?

Mr. MANCUSI. One of the things that I feel and have advocated was smaller institutions, expanded programs, more personnel training.

Mr. RANGEL. What type of training do you believe a guard should have to be better able to service the inmates?

Mr. MANCUSI. I believe the guard should be trained in the techniques of custody; also I believe he should be trained in human relations.

Mr. RANGEL. Now, human relations: that would deal with the problems of blacks, whites, Spanish-speaking people, et cetera; is that correct?

Mr. MANCUSI. Yes, sir.

Mr. RANGEL. And now, in the area of human relations, do you find that many of the inmates at Attica have attempted a feeling of black pride to the extent that they were militant?

Mr. MANCUSI. Yes, sir; and I have attempted to foster that feeling by a black studies program which was innovated about 2 years ago and has been in continuous existence since that time.

Mr. RANGEL. Do you find it inconsistent that you would advocate a black studies program and at the same time refer to the inmates as being colored?

Mr. MANCUSI. No, sir; I do not. And in the instances that you are talking about, there was certainly no racial slight intended and I regret the fact that you saw fit to so take it.

Mr. RANGEL. But is it safe to say that you don't believe that it is inconsistent with advocating a black pride or black studies program?

Mr. MANCUSI. I resent this line of questioning. This is not my belief and I have fostered black culture and I have done that and I resent the fact that you are saying what you are saying.

Mr. RANGEL. So you don't find the term as relates to your black prisoners, "colored," being derogatory?

Mr. MANCUSI. Sir, I regret that I didn't hear that question.

Mr. RANGEL. You don't find the term being used by you, "colored," as it relates to certain of your inmates, being derogatory?

Mr. MANCUSI. Certainly nothing derogatory.

Mr. RANGEL. I have no further questions.

The CHAIRMAN. Just two or three questions.

Is it a part of the disciplinary procedure at Attica under your jurisdiction for any of the prisoners to be beaten by any of the guards or any of the personnel of the institution?

Mr. MANCUSI. Mr. Chairman, corporal punishment is against the law, against the departmental rules and regulations and any use of force necessary must be documented, must be reported to the commissioner's office. An examination of all participants in the institution must be made by medical facilities.

The CHAIRMAN. You are aware that it is a common complaint in, I suppose, most of the penal institutions that individual prisoners are from time to time beaten or in some way or other subjected to corporal punishment by someone in connection with the institution? You have heard that?

Mr. MANCUSI. I am aware of complaints of this nature in various correctional institutions.

The CHAIRMAN. With your supervision I know you would not have authorized or condoned any such conduct on the part of any of your employees. Is your supervision close enough to enable you to say that none of the inmates at Attica were actually physically mistreated, manhandled, or beaten in any way by guards?

Mr. MANCUSI. Sir, it is my belief if this went on I would know about it.

The CHAIRMAN. You are giving the committee your best judgment that beatings did not occur in Attica on the part of any guards?

Mr. MANCUSI. Certainly it is my sincere belief that there is not corporal punishment, there are not beatings, there is not force used other than necessary to uphold the rules and regulations of the institution and the department.

The CHAIRMAN. Well, do your disciplinary procedures include any type of physical contact with the prisoner other than incarcerating him in some seclusion? What are the penalties that are provided as a means of disciplinary action?

Mr. MANCUSI. Well, superintendent's proceedings, disposition could be a reprimand, loss of privileges for a specified period, a temporary or a permanent change of program, confinement in a special housing unit not to exceed 60 days, confinement in the special housing unit on a special diet, a fine for restitution of damage, a loss of good time subject to restoration, and referral to the adjustment committee for further actions, and these dispositions are in accordance with the rules and regulations as promulgated by the commissioner.

The CHAIRMAN. What are the procedures for enforcing discipline of that sort? Suppose it is reported to you someone is supposedly engaged in misconduct? What happens to adjudicate whether there has been a breach of discipline and what the punishment should be?

Mr. MANCUSI. If a serious disciplinary violation is noted a report is made in writing.

The CHAIRMAN. By whom?

Mr. MANCUSI. By an employee. He may be a corrections officer, he may be a civilian employee of any category.

The CHAIRMAN. What happens next?

Mr. MANCUSI. The inmate who committed the violation is given a copy of the charges and also notified that a member of the personnel will be provided to aid him in presenting his side of the story. A disciplinary proceeding is then held.

The CHAIRMAN. Who sits as the hearing authority?

Mr. MANCUSI. In a superintendent's proceedings the deputy superintendent usually carries out the proceeding.

The CHAIRMAN. One man sits and hears the charges?

Mr. MANCUSI. Yes, sir.

The CHAIRMAN. He is a deputy superintendent?

Mr. MANCUSI. Yes, sir.

The CHAIRMAN. Then what?

Mr. MANCUSI. He talks, he receives a report from the officer who was assigned to aid the inmate previous to the hearing.

He also talks to the inmate concerning the charges. He talks to other witnesses concerning the charges and then asks the person how he pleads. If he pleads guilty, whatever sanction he feels is appropriate is made. If he is not guilty, the hearing progresses and is recorded electronically. After it may very well be adjourned for further investigation or if there is sufficient evidence to make a disposition at that time, a decision is made on the weight of the evidence.

The CHAIRMAN. After the deputy commissioner who conducts the hearing makes his decision, supposing it is in favor of some sort of discipline or punishment of the individual, does it come to you as superintendent for review?

Mr. MANCUSI. It comes to me for review and a copy is also sent to the commissioner for his review.

The CHAIRMAN. Commissioner Oswald?

Mr. MANCUSI. Commissioner of corrections.

The CHAIRMAN. Now, you have read in the papers I am sure, as we have, about a Federal court in Virginia making a rather far-reaching decision relative to disciplinary procedures in State prisons or in that State at least. Have you had any general Federal court decision or State court decision on that subject in New York?

Mr. MANCUSI. Sir, I am not familiar—

The CHAIRMAN (continuing). About what disciplinary procedures you may maintain and what rules must attend the making of such a decision and the like?

Mr. MANCUSI. Sir, I believe that there have been court actions concerning the disciplinary process although as yet I know of none which has changed them. There is pending litigation now concerning these things.

The CHAIRMAN. Just one or two other questions.

Do you have an opinion that you care to express as to whether it is in the public interest that a prisoner's citizenship be taken away from him when he is convicted of a felony and subjected to the punishment meted out by a court for that offense?

Mr. MANCUSI. I personally would like to see citizenship restored to him upon the completion of his sentence.

The CHAIRMAN. Restored to him when?

Mr. MANCUSI. Upon the completion of his sentence.

The CHAIRMAN. That even if it is taken away at the inception of his incarceration, when he is discharged he goes back as a full citizen with the usual opportunities and responsibilities of citizenship?

Mr. MANCUSI. I would like to see this restored to him; yes.

The CHAIRMAN. Have you had any experience or information relative to some of your inmates—who received particular training while they were in your institution—not being permitted to engage in the performance of their duties when they get out because they don't have citizenship and it takes citizenship to get to be a professional person, for example, or to get a license to perform certain functions?

Mr. MANCUSI. I am aware that there are certain employment limitations as a result of a record. I didn't think of it in terms of loss of citizenship. I really don't know of anyone, because of the fact they have lost their citizenship, that have had sanctions imposed upon them outside of limitations.

The CHAIRMAN. Some jurisdictions do require one to be a citizen before he can, as an example, perform certain functions.

Mr. MANCUSI. Yes; I believe there are certain jobs under the civil service of New York State which a man would be prohibited because of a record.

The CHAIRMAN. Do you think those are in the interest of rehabilitation of the inmate when he is released?

Mr. MANCUSI. If we are going to say that we are attempting to rehabilitate a man and if we are going to ask private industry to hire this man, it seems only logical that our State agencies would also give this man a chance.

The CHAIRMAN. Mr. Mancusi, you referred to the fact that Attica is a small town, 2,000-odd population, I believe you said. There aren't many opportunities for employment for people whom you might release on a part-time basis in a town of that size, are there?

Mr. MANCUSI. No, sir; there are not.

The CHAIRMAN. Would there not be an advantage if an institution like yours were operated in a city where employment opportunities would be more in proximity to the institution for those you might entrust with part-time liberty?

Mr. MANCUSI. Yes, sir; there would be advantages in being near a large metropolitan population, real close to it.

The CHAIRMAN. Do you have any figures as to the rate of recidivism on the part of the inmates of Attica?

Mr. MANCUSI. No, sir; I don't have them with me.

The CHAIRMAN. Would you be able to get those and supply them for our record?

Mr. MANCUSI. I would have to ask a State agency to supply those figures.

The CHAIRMAN. Would you kindly do that and send them to us in writing.

Mr. MANCUSI. I will get what information I can.

(The information requested was not available at time of printing.)

The CHAIRMAN. Do you think a great deal more emphasis, as was indicated by questions on the part of some of my colleagues, should be put on trying to help the individual when he gets out of a penal institution to find his way into a productive and responsible place in society?

Mr. MANCUSI. It is oftentimes very difficult for a man being released from a penal institution. I have seen thousands of people released who certainly said—and I think that in many instances they were sincere—that they were going to go straight and live law-abiding lives. However, they would turn up again at a later date and the only thing we can assume is that they were not able to withstand the frustrations of society.

The CHAIRMAN. Did any of them tell you when they came back why they came back?

Mr. MANCUSI. Well, I have had conversations with some, and I think actually what happens is oftentimes the good people in our society shun them as pariahs and they gravitate to the people who will accept them and they are in the same situation as they were previously.

The CHAIRMAN. Well, I recall the figures that you gave me and my committee when we were up there, those were for 1968, not quite as recent as you would have preferred, that 80 percent of the inmates of Attica were high school dropouts. Do you think that is approximately correct?

Mr. MANCUSI. I would believe that would be correct.

The CHAIRMAN. And I don't question several of your inmates who said they never got past the fifth grade in the confinement in some of the segregated areas of your institution. I asked two or three of the inmates when I was talking to them through the bars, I said, "Look here, once you are in a place like this with a high wall around it and heavy bars secluding you from freedom and having to go through the

experience, many of which must not be very happy experiences for you here, once you get out, why in the name of goodness do you come back again to a place like this?" And some of these fellows dropped their head and said, "You know, it is not so easy. A lot of us don't have the education and we don't have much training and when we get out, it is not always easy to find a job. Lots of people don't want to give a man a job who has been in an institution. Sometimes our families have become hostile and broken up and sometimes out of sheer loneliness we find ourselves in a little while back in the old crowd again, and then a combination of things the first thing we know we find ourselves back here."

Doesn't that present an appeal to society and to the institution that is charged with the responsibility of these people to try to help them when they get out to find their way back into society as responsible individuals and not to commit crime again?

Mr. MANCUSI. I believe it does, Mr. Chairman, and I would also like to submit to you literally hundreds of individuals have earned high school diplomas while at Attica and certainly thousands in the various correctional facilities of New York State over the years.

Mr. WALDIE. Warden, I have gathered, from listening to your responses to Mr. Rangel's questions particularly, that you are of the opinion that the major factor in the riots that occurred at Attica involved conditions totally out of your control; namely, the condition of permissiveness that you described that exists in the outside society. Is that a fair statement?

Mr. MANCUSI. I think that was a—we reaped the social ills, I believe so.

Mr. WALDIE. So that in an attempt to avoid similar situations, an Attica recurrence, it would necessitate, if your view is correct, a removal of the permissiveness, of the illness that society presently is experiencing. Is that a fair statement of your opinion?

Mr. MANCUSI. This would be wonderful if it could happen, sir.

Mr. WALDIE. You arrived at Attica in 1965; did you not?

Mr. MANCUSI. Yes, sir.

Mr. WALDIE. In 1965 was the prison population a different population in terms of the unrest? Was it more disciplined, a less permissive population?

Mr. MANCUSI. Yes; and I think the racial composition was also different.

Mr. WALDIE. What was the racial composition in 1965?

Mr. MANCUSI. I believe it was in excess of 50 percent white.

Mr. WALDIE. How much in excess?

Mr. MANCUSI. Possibly 53, 54, 55 percent.

Mr. WALDIE. It wasn't different then in 1965 from the time of the riot?

Mr. MANCUSI. It is a matter of what would be significant.

Mr. WALDIE. What was the difference, 5 percent?

Mr. MANCUSI. Well, it would be probably 10 percent.

Mr. WALDIE. So that the change in population of that prison and its attitudes has occurred since 1965, and I would gather the change in, partly from what you said, the racial composition change but also assume the theory is correct that society has become far more permissive since 1965. Is that your theory also?

Mr. MANCUSI. I would think that is correct.

Mr. WALDIE. And that permissiveness really is most prominently felt within the black area of our population; is that a fact?

Mr. MANCUSI. Not necessarily.

Mr. WALDIE. Is it an incorrect conclusion in your view?

Mr. MANCUSI. Yes, sir; I don't think that it is necessarily black or white permissiveness. Permissiveness is a fact that has happened.

Mr. WALDIE. What, then?

Mr. MANCUSI. I don't think color interferes with that.

Mr. WALDIE. Why then did you state that there was a significant change in population, the racial composition between 1965 and the date of the riot?

Mr. MANCUSI. Because this is a factor.

Mr. WALDIE. In what way?

Mr. MANCUSI. In possibly inmate interrelationships.

Mr. WALDIE. What?

Mr. MANCUSI. Possibly inmate interrelationships.

Mr. WALDIE. You mean it is more difficult to administer a prison, in your view, when the population is a predominantly black population than white?

Mr. MANCUSI. No; I mean that in a population where there are two kinds about the same, and it doesn't make any difference which is dominant.

Mr. WALDIE. Well, Warden. I was deeply interested in your theories. If your theory is correct, it has been a marked deterioration of our society since 1965 and to assist you and others in your position it will require a reorganization of our society. I presume that is the major recommendation that you have been making. I gather that you feel that there is little that you or your people have to share in the way of responsibility for the breakdown of the society at Attica. Am I correct in that?

Mr. MANCUSI. Certainly as head of the institution I have to share responsibility with the people who operate for what happens there but I think that we are victims actually of social conditions.

Mr. WALDIE. Well, I am not sitting here telling you that I disagree entirely with that theory. I frankly don't know enough about prison administration to criticize you or to compliment you. I sense, though, a thread throughout your testimony that makes it difficult for me to determine how best to assist you, if there is anything the Federal Government can do, that says nothing that occurred on the part of the prison administration was at fault, that the cause of Attica involved factors in society that are beyond your control and that nothing you people did was remiss and there is nothing we can do to assist you unless we change those factors in society as a whole, which leads us to a pessimistic view, at least, of being able to assist you in the near future if at all.

Mr. MANCUSI. I don't agree with that. I think if you can aid in providing funds for doing certain things that certainly can aid the correctional situations. It can aid correctional facilities.

Mr. WALDIE. One final comment. You can understand why Mr. Rangel and why I express some reservations about your suggestions that those with political views that you conceive to be dangerous should be excised from the general population of the prisons and

placed in institutions designed to reeducate them, which in another society might be called brainwashing. The concern we have is: one, who makes the political determinations; and, two, do we then set up a prison for political-oriented prisoners because we are afraid of their political thought, and that is foreign to any concept of the free society with which I am familiar and any concept we have engaged in in this country short of the hysteria that resulted in the incarceration of Japanese-Americans in World War II.

That is what concerns me. Yet, I do think that you are confronted with a prisoner the like of which you have never been confronted before and you are ill equipped to handle that prisoner, and I say you as an individual but I mean you as the prison system administrators, you haven't been confronted with the necessity of dealing with that sort of prisoner and you simply do not know how, but many in our society do not so you are not alone in that.

I have no further questions.

Mr. WIGGINS. I would like to make an observation, Mr. Chairman.

First, Mr. Mancusi, I want to compliment you for the manner in which you have testified this morning during several hours of difficult questioning. You have been candid, you have expressed your views whether they were popular to members of this committee or not. You have done so forthrightly and in a manner that is a credit to you and the organization you represent here.

I would like to say further that we would all have to be blind not to recognize that there is, in fact, a spirit of militancy in our society that often manifests itself by hostile, even illegal acts, and that spirit exists outside as well as inside of prisons. The fact that we cannot identify a militant precision or articulate precisely standards of militancy does not make the problem any less present. It is a fact and a disciplinary problem with which prison administrators must deal.

I don't have any great recommendations to make to you except that it is a problem you must deal with and I am sure you do deal with it in the best way you can given the difficulty of that problem.

Just in general, sir, I want to compliment you on your testimony.

Mr. MANCUSI. Thank you.

The CHAIRMAN. Mr. Rangel.

Mr. RANGEL. No, Mr. Chairman.

The CHAIRMAN. Mr. Mancusi, do you feel that if we are going to have success in our rehabilitation to the extent that it is possible for an individual to be rehabilitated, we are going to have to build a new type of prison or have a new type of program, have a new type of personnel, perhaps a new point of view as to why we put people in prison?

Mr. MANCUSI. I agree with that, sir; smaller institutions, better trained personnel, greater interaction, more training, in order to try to change these people so they can return to live law-abiding lives.

The CHAIRMAN. And it may require a reexamination of the sentencing process on the part of the courts also; may it not?

Mr. MANCUSI. I regret I didn't understand the statement.

The CHAIRMAN. Well, there is a considerable fluctuation or a variation in the type of sentencing imposed by different judges; is there not?

Mr. MANCUSI. Certainly disparity in sentencing procedures will have to be studied and attempted to be eradicated or improved so that sen-

tences in one area are not substantially different from sentences in another area. This is a rather difficult procedure because people operate within the framework of their biases, but I think that is necessary.

The CHAIRMAN. Would it embarrass you if I asked you the amount of compensation that the superintendent receives annually?

Mr. MANCUSI. The amount of —

The CHAIRMAN. How much salary? Would you object to stating what your salary is? Is your salary a matter of public knowledge?

Mr. MANCUSI. It is a matter of public knowledge. I am receiving a little over \$23,000, plus my rations.

The CHAIRMAN. Do you feel that the personnel under you are adequately paid?

Mr. MANCUSI. I feel that for the nature of the work that more compensation is needed all through the lines.

The CHAIRMAN. Mr. Mancusi, I want to extend the thanks of the committee to you for coming here today and your cooperation with the committee and also for the kindness that you and Mr. Oswald showed our committee when we were at Attica.

We are going to recess until 2 o'clock this afternoon. We have a number of your people here who are going to be witnesses. We would be glad to have you come back if you could. We will take a recess. You want to be excused?

Mr. MANCUSI. No. I was going to ask if it is necessary that I be here if I choose not to?

The CHAIRMAN. No; not unless you wish. You are welcome to be here if you wish. I know you have important duties and if you wish to be excused you may.

Mr. MANCUSI. I have a daughter in the area who I thought maybe I could get to see for a short time. I would like to take these men with me but if they are going to spend the whole day with me—I will be back, Mr. Chairman.

The CHAIRMAN. We will try to finish these gentlemen this afternoon, and I would consider visiting your daughter is an important and official function.

We will recess until 2 o'clock.

(Whereupon, at 1:30 p.m., the committee recessed to reconvene at 2 p.m. the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order, please. Mr. William Ciuross, would you please take the stand? Please have a seat.

William Ciuross is president of the American Federation of State, County, & Municipal Employees, AFL-CIO, State Council No. 82, with a membership of 4,500 correctional officers and 3,000 law enforcement officers.

A native of Elmira, N.Y., Mr. Ciuross was a member of the National Guard before he became a correctional officer at Greenhaven Prison in New York in 1956. He also worked at Woodbourne Rehabilitation Center, and currently is a sergeant at Elmira Correctional Center.

Counsel, would you like to open the questioning?

Mr. PHILLIPS. I believe you have a prepared statement; is that correct?

STATEMENT OF WILLIAM R. CIUROS, JR., PRESIDENT, COUNCIL NO. 82, AMERICAN FEDERATION OF STATE, COUNTY, & MUNICIPAL EMPLOYEES

Mr. CIUROS. Well, I don't have one written but I would like to make one.

Mr. PHILLIPS. Please do.

Mr. CIUROS. I represent Council No. 82, American Federation of State, County & Municipal Employees of the State of New York. Our organization represents some 7,500 law enforcement officers employed by the State of which 4,500 are corrections officers working for the State of New York.

We have for many years been lobbying and trying to convince State officials of the great need for change in our correctional facilities, formerly known as prisons, reformatories, and so forth.

I would just like to make some observations from our standpoint as to what we think are some of the things that ought to be addressed and ought to be done in corrections. Some of it.

The CHAIRMAN. We are pleased to note in the audience one of our distinguished colleagues, Mr. Conable, who is a Representative in the House from the area which includes Attica. Won't you come and sit with us?

Mr. Conable attended the Attica institution with us when our committee was there and we are glad to have you here.

Mr. CIUROS. you proceed.

Mr. CIUROS. We feel very strongly that Attica seems to indicate the need for smaller facilities. We feel that facilities containing approximately 600 people are large enough for the rehabilitation process, if, in fact, it is going to be a rehabilitation process and we feel very strongly on that. There should also be an improved and independent system of classification of inmates, reviewed periodically and based on reports made out by all of those people with whom the inmate comes in daily contact.

And the criteria should be the receptivity to whatever programs, be they academic, vocational, or what have you, in each of the respective institutions in the State.

There should also be a special treatment facility for the hard-core inmates with a higher ratio of staff to inmates, with an emphasis on security and programing. As a matter of fact, accelerated programing is necessary, keeping in mind that one of the real objectives in that particular facility is to afford those confined there the opportunity of advancing into one of the other facilities and eventually onto the street.

There should be more budgetary provisions and attention from lawmakers regarding the clothing issuance for inmates. Food should be based on a nutritional basis as opposed to a cost factor, as is presently the case. And there should be afforded to each inmate the opportunity of showers when and as often as he needs the shower.

And I guess what I am talking about is basic needs for cleanliness and health. There should be religious freedom, supervised by professional clergy in respective areas and there should also be a beefing up of the medical profession in each of the facilities.

As it stands now, most of these doctors, psychologists, psychiatrists, are on a part-time basis and they spend very little of their time in the institution. These institutions should have full access to a team of doctors, medical doctors, psychiatrists, psychologists, constantly, as part of the program, not just as a part-time situation.

We can talk all we want about what we have in corrections, and many of the ills, but I am sure some of your trips have shown that correction or penal institutions throughout the country are totally outdated regarding their facilities, equipment, machinery, and all of the necessities regarding vocational and academic training.

There should also be an improvement in the techniques utilized in any of these programs. Total preparedness and plans for riots, disturbances, and so forth, and they should be updated regularly. I think the key to a lot of the failures in the corrections systems in the country today is lack of constant evaluation of programs and updating them accordingly.

And that includes rules and regulations affecting not only the inmates but employees as well. We propose that all outdated rules and regulations affecting both inmates and employees should be done away with and unjust rules and regulations should be done away with and updated to take care of the needs and necessities for running a program in this year of 1971.

There should be a proper orientation of all inmates in depth, citing to them the responsibilities, their rights, and the establishment of an inmate council. I take note of the Governor of New Jersey as an aftermath of the incident there where they have established a council, 15 inmates to be elected by their peers, and five of that number will represent them in presenting grievances and discussions and negotiations with administration.

I think that is a giant step forward and long overdue. If it serves no other purpose at least it offers us the opportunity of dialog and I think that is really focusing in on why people confined in institutions in a majority of the cases take hostages. And that is to bring the powers to be into discussion. Let's talk. We have had that problem as employees over the years and recently there have been corrections made by the granting of collective-bargaining rights for employees in the State of New York under the Taylor law.

We now have that opportunity to sit down with management and bargain collectively and sign a contract and we feel that this has gone a long way in resolving a lot of our problems and might not be such a bad idea to take some of this and see how it would apply to our day-to-day dealings with our inmates in our institutions, not as an exaggeration but I think the idea is obvious.

It is no secret that without the following none of these things can work out, and that is, proper compensation for people working in the field of corrections. The question was raised about urban jobs versus rural jobs and I submit to you that one of the reasons that it is hard to induce anyone to work in a correctional institution in upstate New York today is that in the city of New York, for example, the sanitation workers make close to \$14,000, and correctional officers make \$10,000. There is not enough manpower at all levels. You heard, and on many occasions I am sure that I heard, Mr. Mancusi cite to you earlier, the need of manpower.

I think the manpower need exists at all levels. When you have one superintendent and one deputy superintendent and one assistant superintendent in an institution I don't think you are properly addressing the area of specialization. It is our belief that there should be more high-level supervisory positions in the correctional facilities, each with a selected responsibility.

Possibly one with programing, one with evaluation, one for security, and so forth.

On retirement benefits, it goes without saying that the trials and tribulations inherent in the job of a corrections officer make it necessary for some of those people to leave that type of work at an earlier age than others. Some cannot stand the pressure.

Some have suffered through some of the more exaggerated ordeals. So it has been our position that a man should be offered the opportunity to retire at half pay after 20 years on the job.

Career opportunities: I guess that is pretty far reaching, and it might address the problem of the lack of minority groups in our facilities.

I know that no one likes to take the blame when there are glaring inadequacies or things lacking in any system but I think we all must share the blame. Conditions lately have reflected very poorly on departments of corrections in a most negative fashion and I think deservedly so.

You made some observations this morning and no one can quarrel with them. But we feel if there is a true career development program accelerated possibly with Federal funds from the public service careers program we would be in a better position of drawing on the minority groups and offering them the opportunity of a career in corrections, career development, and eliminating dead end jobs in doing so.

Training and education in corrections has been totally lacking. I have been in the business for 15 years as a corrections officer, and I have not had one ounce of training other than from an older officer when I came on the job and they put me with an older officer and I was with him for a very short period of time and then I was on my own.

Recently the State of New York was awarded \$1.6 million for training. And I submit to you that when you take 4,500 corrections officers and divide that into \$1.6 million and you are only paying \$350 a year to train a corrections officer you are not doing much training.

What are we talking about in training? It has been this union's position that you just don't train a man in offensive and defensive tactics and security measures. We think those are meaningful needs that should be done but more importantly when you recruit a man or woman it appears to me there should be some sensitivity involvement in your recruitment. It has even been suggested that psychological tests be given before a man or woman is put on a permanent basis in this field.

We are talking about an attitude and understanding of people, whether they are black, yellow, red, or what have you. We have gone so far as to suggest that one of the requisites for a corrections officer would be to put him into the ghettos of New York City, for example, and let him live in that surrounding for a certain period of time and let him live in the whole cycle that the inmate goes through, through

the initial relationship, through the court, probation, let him be exposed to and in touch with what the inmate has gone through and also, after he is paroled, let's put a corrections officer in the unemployment office in the city of New York in a \$10 or \$12 suit and let the employment interviewer see him after 4 or 5 hours.

I can guess what is running through your minds now is, is this all coming from the corrections officers? The answer is, "Yes," because the corrections officers are very, very, very human people and they have been in the same setting, in the same set of circumstances that many inmates have suffered and I am not here saying that this is worldwide where everyone is in on the short end of the stick.

But we understand the problem. There should be, I think from the standpoint of the Federal level and I am aware you are looking for what you may do, in this regard, I think you ought to explore that avenue extensively, how you can provide moneys to train correctional people.

And let me make one point before I get off of that subject. It is not enough to train the new people or the people that are currently occupying line jobs. That training better be and must be accentuated at the top level administrative positions in every correctional facility in this country.

Among the correctional administrators in the facilities you have some very progressive people but there are also those by virtue of their tenure in their positions, by virtue of their training when they came into the business, those who just are not tuned in or receptive to what I am sure everyone understands must be done in this 20th century.

I think President Nixon, in August, introduced legislation that would afford compensation to survivors of policemen killed in the line of duty in the amount of \$50,000. I would implore you to include correctional personnel also in that bill if possible.

There should also be lawyers and legal advisers in each institution in the State. Laws change and court decisions come about so rapidly today that it really behooves the best of prison administrators to keep up with those changes and understand them and I think that that is indicative of the need for legal assistance in each of the facilities.

Communication has been lacking from the inmate through the employee, through the superintendent, through the commissioner, and through the government but the area that concerns us most is there should be ongoing staff meetings with all of the personnel and as a law changes or a court makes a decision that affects the rights of an inmate, it would appear to me it would be in the best interests of all concerned if every employee was given a notebook or a sheet to enter into that notebook as to what that law means, how it is to be applied, because that is the man or woman that has to effect that law and that right for that inmate.

That is not the case now in the State of New York. Another thing that has been lacking in New York State is uniformity and standardization of inmates' rights from institution to institution which result in an immediate breakdown of relationships between the corrections officers and the inmate.

By that I mean, and I will use these strictly as examples, at Attica an inmate is allowed to have a thermos bottle or a wristwatch. If that inmate is transferred to the Elmira Reformatory, and many have been,

upon his orientation and receipt at that institution the corrections officer has the obligation to tell the inmate, you are not allowed to have that wristwatch here, so immediately you have a bad guy image in the corrections officer.

I think that is again very bad. I have been assured by the new commissioner of corrections of New York State they are working toward changing that type of system.

There have been many proposals and suggestions made both by the union and the commissioner, who I might hasten to add just took office January 1 of this year, and we have had very good dialog on some of the new programs.

But I don't have to explain to you what has happened in that short period of time, what with riots, Attica, and a couple of other institutions, and also the obvious budgetary problems in the State of New York.

I would like to stop there if I may and be available for questions.

Mr. WALDIE. I have no questions except to compliment the witness.
The CHAIRMAN. Mr. Brasco.

Mr. BRASCO. I want to compliment the witness also on a very comprehensive statement and a very human statement. It is unfortunate that we had to go through the experience of Attica and several other places around the country before we could get to this point.

Let me ask you this, Mr. CIUROS, from your experience as a guard and I note this from your biography, you were at two institutions, what do you think would be the most effective way to develop the transition from penal institutions back out into society?

Mr. CIUROS. That is a pretty good question, a broad question and I can give you a broad answer.

Mr. BRASCO. No; because I know there are a number of—the 28 demands that the prisoners had at Attica which were apparently agreed to, or at least 26 of the 28 were basic demands involving, as you indicated in your testimony, human needs, basic needs.

And I am wondering from your experience, because we are here to try to make some recommendations to get a better system, a system that works, and I don't know that we are going to get the money overnight to build new institutions and everything else that is required, but I mean if you had to pick out one thing—I have my own idea on it with respect to what is the single most important thing.

I wonder whether you can pick out one thing that would be most useful right now?

Mr. CIUROS. May I preface my answer?

Mr. BRASCO. Yes.

Mr. CIUROS. By making it very clear, as I said earlier, with all of the recommendations and ideas that have been espoused here, none of these can work without an attitude and sensitivity for the job and the people under your care.

Second, you must have complete control of the situation at all times, I think that is obvious.

Because you are dealing with misfits from society. I don't think anyone can honestly argue with that particular point. Once you have programs dealing honestly with it, and control, then I think that you really get into the core of the issue here of the human dignity, responsibilities, and I think that you have researched better than I,

to dig into the average welfare payments that are going to the family of inmates incarcerated in our correctional institutions today.

I would be interested in that figure because I might be in a better position then to recommend to you that there ought to be an investigation and a study done on the feasibility of a minimum wage for inmates in our correctional facilities today and see if the payments made to the welfare recipients would not contribute heavily to offsetting the expense of a minimum wage for our people confined in our institutions.

I don't know the answer to that. I guess I am answering you with a question.

Mr. BRASCO. We are probing around and I suppose that the real catchall is attitude. I am wondering whether or not society is really concerned about rehabilitation when we let a guy out after several years in prison, as you indicated, and as Warden Mancusi indicated, maybe with 40 bucks and a suit, without any job prospects, and then add, to make matters worse, a criminal record follows him around wherever he goes. I have never seen a job application that doesn't ask first: "Have you ever been convicted of a crime?"

Even to dig ditches in the streets, that is both in Government and in private enterprise. So I personally think that the name of the game here is to get some kind of basic training, vocational training, and to have a job waiting for him on the outside so he has a choice between the \$40 and doing what he knows how to do best. The choice must be meaningful between staying on the job that pays him a living wage and then and only then can we say have we given him the real opportunity to be rehabilitated.

I don't know why it is so difficult for us to understand that.

Mr. CIUROS. I think that I would like to respond, if I may, and suggest among some of our ideas we have suggested the work release program and the halfway houses and I think in those areas there should be an acceleration of effort and going one step further, it is like getting almost there and then axing someone.

I think there ought to be some assurances, or at least the equal opportunity of assurances, for a job and some followup on the individual man.

Mr. BRASCO. It has got to be the followup. There is no followup whatsoever, and I think the interesting thing I found out from Mr. Oswald when we were out at Attica was that during the time of the riots six people were actually going back to and from Attica on a work-release program, so that we are not dealing strictly with individuals that cannot be saved, if the problem is approached correctly.

And interestingly enough some of the people we spoke to who were involved in the problem seemed to me to have the basic intelligence, if it was directed in the right direction, to be rehabilitated.

There is something that goes on inside of the institution that debilitates rather than rehabilitates and that is really the purpose of this whole thing, I suppose. The things you spoke about are the debilitating factors.

Mr. CIUROS. Just an interesting observation. I attended a meeting a couple of weeks ago. I don't know the name of the group but it was called "Citizens Meeting for Prison Reform" and interestingly enough among the audience were former inmates who took the floor and made

statements and there were some former corrections officers who took the floor and made statements, and without the identification of the corrections officers we did have, in fact, some questions as to what role they had played in a prison.

As a matter of fact I suggested to my wife, whom I took along, that I wanted to stand up and say that I had been in correctional facilities for 15 years and talk a bit, but I did not. Another fellow took the floor ahead of me and made the same approach and I guess what I am trying to point out to you is that should be the case, that we should have some feeling from officers and inmates as to what the other responsibilities and human needs are and understanding of one another.

And that does exist contrary to many of the sensational stories and so forth that have resulted from Attica.

Sure, we have problems, but I think that again, repeating an old cliché, what is in society is in jail. Sure, we have everything that exists in our society and I submit to you we would be foolish to say it does not exist in jail. But I think that we have a controlled situation, if you will, with the inmates and with the employees in the correctional facility, they are being paid, they are being taught. They should be trained and so forth, so we have that type of control and we should be able to steer that into what we really feel is needed in the field.

It is lacking in training, it is not inmate training, it is people training, period. And inmates should know the problems that are confronting the corrections officer, too.

Mr. BRASCO. You are suggesting some kind of on-the-site training program in which inmates and corrections officers participate at the same time?

Mr. CIUROS. I don't know. We are getting down to the basics now, but ideally that would be what I am talking about. Not just the training before the job but in-service training, on-the-job training, and as I remarked earlier, constant evaluation of systems and so forth, and programs in the whole setup whether it is the inmate, employees, the shop, there are still institutions I submit to you, Elmira—Elmira correctional facility—they are still running lathes and machinery from the old pulleys overhead where the belts come down and run the machine.

You can train a guy for 50 years on that thing but he is not going to go out and get a job with the modern machinery they are using. Those are the things that need updating and constant reevaluation, and I know it.

Mr. BRASCO. Thank you very much.

The CHAIRMAN. Mr. Winn?

Mr. WINN. Mr. Ciuros, I have toured several of the facilities, several that you mentioned, some in this area and some in the Midwest. And I agree with you wholeheartedly as far as the type of equipment being used to so-call train these inmates.

I particularly was aware of printing equipment. They all refer to the printshops if they even have one and when I went into several of the facilities and noticed the so-called printshops, the equipment that they were being trained on, that they were using. I don't think there are any printshops left like that in the United States.

So the trick they were getting, they were printing local papers, and whatever they were learning to print, tearsheets and throw sheets and

announcements of ball games and things like that, but they could not get a job so I think the idea is fine but the equipment is definitely outmoded like a lot of those things.

It has been pointed out here and you may have discussed this before I came in, Mr. Chairman, that one of the bad parts or one of the problems of Attica was the fact there was only one black employee. Not even a guard, but I think one correctional employee out of 450.

The Chairman. No blacks. One Puerto Rican.

Mr. WINN. One black as I understand him to say.

The Chairman. One black.

Mr. WINN. Yes. Certainly for the percentage of blacks in the prison as I remember were 55 percent. The point is that they had to get the employees or the guards and the maintenance people and everything and hire them through the civil service system in the State of New York.

And some of our members and many of us were concerned that they don't have the percentage that is needed at the time when we have that kind of system and you would give us an idea of how we could bypass, if we found additional funding, let's back up a little bit, if we found additional funding, then we could then take some blacks and some Spanish-speaking people and train them to be guards and correctional officers. Is that right?

Mr. CIUROS. Yes. There are two ways of doing that in my statement and estimation. One is creation, excuse me, of smaller institutions as I said earlier and not put those so isolated and far away from the metropolitan areas where you are going to have a very difficult time drawing on minority groups.

Secondly, I think that an honest recruitment program as I mentioned—I guess it was before you came in, career opportunities. They have such programs that are specifically set up to attract people from the ghettos if you will, or the rest. I don't know the word to use, but people from minority groups that can come into the system have, that have a feeling and can be trained and brought in and not dead-end jobs, because this would negate the whole setup.

But we have done this in a couple areas in the union. As a matter of fact, our national union here now has a special career development section and I don't know but they have been involved in public service career money for that specific purpose and I would suggest that the department of civil service and department of correctional services explore that as a means to you know, if not eliminate the problem because I don't see you eliminate that problem for some time to come at least make good faith efforts in that direction.

Mr. WINN. Your unions will be in a position to help?

Mr. CIUROS. Oh, yes.

Mr. WINN. And to help train?

Mr. CIUROS. Yes, sir.

Mr. WINN. And there is no philosophy in your union to keep any of those potential guards and correctional officers out?

Mr. CIUROS. I did not say that. I am saying that, and I said this earlier, we all have a certain responsibility to fulfill if we are going to correct this system. I can speak to you as an individual and totally agree with what you just said. But within our system, I would be less

than honest if I did not say that there are those people that don't want changes.

I guess we all recognize that. So it would not be an easy thing to sell in all quarters but I think it is something we must do and we and everyone here should put our shoulder to the wheel and get behind this and do it as being necessary for all concerned.

I am saying to you that I believe in that approach, but I cannot speak for all my peers.

Mr. WINN. Are you talking about as far as the institutions and the prisons are concerned, the establishment as such or the unions as such?

Mr. CIUROS. I am speaking about rank and file guys on the job.

The union will take the position that as we have in our national union, I must proudly say is one of the more progressive in this area, we will take the position that we must do this and approach it with that objective in mind.

But I am saying we will probably have problems just as I am sure you people do sitting at this table agreeing on approaches and agreeing on ratios, and agreeing on what the criteria should be and why should it be less for this guy than that guy, but we must recognize and focus on one fact, and determine the best approach to resolving that problem.

So, I am saying to you, I know that our union stands behind rectifying that and I believe very strongly that the new commissioner of correctional services, Russell G. Oswald, believes in that philosophy. I cannot speak for individuals. If you ask me will they all accept it, I can't say that.

Mr. WINN. One quick question. Do you know, percentagewise, how many black correctional officers you have in your union?

Mr. CIUROS. In our union or those we represent? We don't have a closed shop. We represent 4,500 correctional officers. I guess of that number—

Mr. WINN. Of the 4,500 how many would be black?

Mr. CIUROS. I would say between 300 and 400.

Mr. WINN. Between 300 and 400?

Mr. CIUROS. Yes, sir. More glaring, we only have one sergeant and one lieutenant at the present time in the supervisory range.

Mr. WINN. Do you have any great desire of people that you work with that want to get into this field particularly?

We ought to get more blacks into this and more Spanish-speaking people in that phase of this and I don't know if it is possible or not if they don't want to go live where the prisoners are.

Are they ready to be trained in the field or do they want any part of it?

Mr. CIUROS. Again I will say the example I cited earlier. If I were a black man and lived in New York City and I saw a job waiting for me to \$14,000 hauling garbage I am not going to uproot my family and go to upstate New York for \$10,000 to be a corrections officer with all of the problems that are inherent in that move.

And I think that they speak for themselves. So I think that there are many phases we must address here. One of them is salary, incentive, and interest, and in drawing people, period.

I think right now they have a corrections officers list and I think that list only contains about 140 names of people that can be appointed as a correctional officer.

So we are really not drawing even from the white segment as much as we should.

Mr. WINN. Out of curiosity, I don't know that much about Attica, the closest big city I gather is Buffalo. Is that right?

Mr. CIUROS. Yes, sir.

Mr. WINN. Could there be a busing, excuse the expression, a busing system, a large-scale busing of correctional officers to Attica and back at night?

Mr. CIUROS. Someone suggested that in the State and I was discussing it with one of my black colleagues, and he looked at me and he told me that that is just plain tokenism and I accept that and I agree with that to some degree.

Mr. WINN. We all do to some degree.

They want to stay in the bigger cities, New York and Buffalo, then why couldn't we work out that they could live in Buffalo with their families and their friends, and still be bused in to Attica for a day's work?

Mr. CIUROS. With all due respect, Congressman, you should know better than I that your statement if they want to stay in Buffalo might not be the case. Maybe they want to come to Attica. Maybe they want to come to Auburn, maybe they want to do a lot of things and I think that possibly you have been in the position of having to address those problems in society, are they going to be received in that area?

Mr. WINN. Thank you very much.

The CHAIRMAN. Mr. Mann?

Mr. MANN. No questions, thank you.

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Yes. I would like to congratulate Mr. Ciuros for coming here with such an enlightened program with suggestions as to what can be done in the area of reform. And especially shattering the myth for those people who don't believe that guards can be human. I think you have been very successful, specifically in the area where you pointed out that so many people fail to realize that a guard spends a great deal of his life incarcerated in jail. I think you will agree that when conditions in a prison are unbearable for the prisoners, this certainly increases hostility and the difficulty for the guards to behave as humanly as decent people would like to.

What really amazes me, however, is the fact that you are making it clear that you are not just speaking as an individual but as president of a union. And while we recognize that you will have problems with the rank and file, still come collective bargaining time or come anytime with the leadership of a union as powerful as yours, I just have not heard these enlightened views expressed by that leadership.

Or to put it another way about the things that you have been telling us about, ideas that you have suggested in terms of reforming a bad system and trying to make it a little more liberal; has the AFL-CIO gone on record to support these types of things?

Mr. CIUROS. The AFL-CIO, generally speaking, has not been involved in our situation, but the American Federation of State, County,

& Municipal Employees has been involved in the situation in New York State, and does support the things that I have outlined for you today.

Jerry Wurf, the international president, made a couple of personal appearances in the State and does support these issues wholeheartedly.

Mr. RANGEL. You recognize that many politicians have not addressed themselves to this problem because assisting prisoners, and now, it appears, guards, is not a very popular thing in many communities. But certainly if the entire leadership of your union would articulate the problems of the corrections officers as well as you have, it might make it a lot easier for the legislative bodies of the State of New York, and indeed the Congress—if we could have more people speaking such as you did today.

Mr. CIUROS. Well, I would like to also comment, whatever influence this committee might have in making recommendations or what have you, that another area we feel is necessary in the field of corrections today is to have more people from the field of corrections in the public schools, groups in the community, explaining what programs they have, what they are doing, what their objectives are, and also meeting with various chambers of commerce, if you will, industrial groups, asking them for help and asking them to cut down the need for an inmate to be in a cell 60 percent of the time, having night programs in an institution, and possibly on a volunteer basis and possibly bringing some support and pressure on the State legislative bodies.

It takes a lot of effort on the part of all of us but I think if we generalized what some of the ills are and the objectives and if we could get more people involved I think that is the answer.

We could certainly use it.

Mr. RANGEL. Is it possible for your union leadership to send to this committee its public posture as it relates to any of the ideas which you have suggested?

Mr. CIUROS. I would welcome the opportunity to put before this committee a written document position, or statement for the record, if I may do so.

Mr. RANGEL. Thank you very much. Thank you, Mr. Chairman.

Mr. CIUROS. And I would like to request of the chairman: May I make that official request to you, sir? I told Congressman Rangel.

The CHAIRMAN. Yes; we will be glad to have it. Mr. Ciuros, on behalf of the committee I wish to thank you for coming to us and testifying and giving us your suggestions. Thank you.

Mr. CIUROS. Thank you.

(The document referred to follows:)

AMERICAN FEDERATION OF STATE, COUNTY,
& MUNICIPAL EMPLOYEES; AFL-CIO,
Washington, D.C., January 21, 1972.

HON. CLAUDE PEPPER,
Chairman, Select Committee on Crime,
U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN PEPPER: I recently learned that your committee was interested in our union's views concerning the conditions in correctional institutions and the need for reform. The American Federation of State, County & Municipal Employees represents over 20,000 correctional officers throughout the United States and, as you know, has expressed its views on this issue in several forums.

For some time, now, AFSCME has sought improvements in the disgraceful conditions which exist in these institutions. Our concerns cover a broad spectrum of problems which need immediate attention.

Although it has taken the unfortunate events at Attica State Prison and other institutions to bring this matter into public view, these events came as no surprise to the members of our union who work in correctional institutions. While many State and Federal officials find it appropriate to respond only in times of crisis, the correctional officers and inmates of these institutions are confronted with these problems daily.

The recent uprising and violent confrontation at the Attica, N.Y., State Correctional Facility was an unnecessary tragedy. It was the logical product of a backward, inadequate approach to institutional rehabilitation. That approach is not unique to New York State; it prevails in most if not all States.

This country needs a more responsible approach to prison finance and administration. Correctional department personnel have the right to expect a safe and secure environment in which to do their work. Prison inmates and their families have a right to expect decent treatment and training which will prepare them to return to society.

AFSCME believes it is the obligation of government to provide the manpower, the equipment and the services necessary to assure the welfare of both inmates and employees. There have been a number of substantive studies at many levels as to the steps that need to be taken.

Action is long overdue, and AFSCME supports the demand for dignity and decency at the workplace for employees of State, local and Federal institutions, and for dignity and decency for the inmates of those institutions.

We urge the implementation of reform measures at the Federal, State, and local levels with substantial funding. Such measures should be especially attentive to the present inexcusable shortage of equipment and training for employees charged with highly responsible duties in State and local institutions, and the provision of fair conditions of employment for these employees. We further urge the establishment and expansion of worthwhile work and training programs for prison inmates and urge the development of a minimum wage and prevailing wage rates for work performed by inmates.

AFSCME cannot afford the luxury of simply making statements about prison reform. Rhetoric will not prevent another Attica. In a number of States, our union has initiated efforts which are designed to bring about these needed reforms. We recognize that they cannot be successful without public support and cooperation of government officials. We, therefore, welcome your committee's investigation into this matter and urge you to encourage positive action by the Congress to help bring about the necessary changes in correctional institutions around the country.

Enclosed in this letter are documents regarding AFSCME's position on the events at Attica and the pressing need for prison reform. I believe they clearly indicate the interests and concerns of our unions. We would be happy to discuss our views in greater detail if the committee continues its hearings on this issue.

We appreciate this opportunity to present our views and hope you will feel free to call upon us if we may be of assistance to you and your committee in its work.

Sincerely,

PAUL MINARCHENKO,
Director, Department of Legislation.

RESOLUTION OF THE INTERNATIONAL EXECUTIVE BOARD ON ATTICA, OCTOBER 1971

The recent uprising and violent confrontation at the Attica, New York, State Correctional Facility was an unnecessary tragedy. It was the logical product of a backward, inadequate approach to institutional rehabilitation. That approach is not unique to New York State; it prevails in most, if not, all States.

This country needs and our Union demands a more responsible approach to prison finance and administration throughout the Nation. Correctional department personnel have the right to expect a safe and secure environment in which to do their work. Prison inmates and their families have a right to expect decent treatment and training which will prepare them to return to society.

It is the obligation of government to provide the manpower, the equipment and the services necessary to assure the welfare of both inmates and employees. There have been a number of substantive studies at many levels as to the steps that need to be taken. Action is long overdue. Therefore, be it

Resolved: That the International Executive Board of the American Federation of State, County & Municipal Employees:

Calls upon the labor movement to join us in support of dignity and decency for the employees of State, local, and Federal institutions, and for dignity and decency for the inmates of those institutions. We urge the enforcement of a minimum wage and prevailing wage rates for the work performed by inmates, and the establishment and expansion of worthwhile work and training programs for prison inmates.

Calls for the implementation of reform measures at the Federal, State, and local levels with substantial funding. Such measures should be especially attentive to the present inexcusable shortage of equipment and training for employees charged with highly responsible duties in State and local institutions, and the provision of fair conditions of employment for these employees.

[From the Public Employee, November 1971]

THE PRESIDENT'S COLUMN—ATTICA

(By Jerry Wurf)

The Attica uprising has created, overnight, battalions of self-styled experts on prison reform. Unfortunately, most of them cling to facile notions about what life in prison is like, and too often the tension in the prisons or the dreadful conditions which exist there is blamed on the correctional officers.

We don't buy that. We believe that it is the obligation and the duty of government—in this case, the State of New York—to provide secure and humane penal facilities. We believe it is the State's responsibility to select capable men and women to work in those institutions, and to give them thorough training, suitable equipment and decent pay. We further believe that it is the State's responsibility to appoint sensitive, educated and dedicated men and women to be superintendents and wardens in the prisons.

On every count, the State of New York has failed miserably. The State prisons are mostly crowded, decaying relics of penal theories discarded long ago. The men and women who work there are decent, God-fearing people who operate on guts and prayer and not much else.

A prison guard in New York earns, at best, \$10,500 a year. Many earn much less. They live in constant fear and under great pressure, certain that sooner or later the rotten system will come tumbling down in an outpouring of inmate frustration and defiance.

That's what happened at Attica. It happened only after reasonable requests from the inmates were ignored by the State administration. It happened after unheeded warnings by members of our union who work at Attica, who could see and hear evidence of impending trouble. They told the warden special caution was needed. He ignored them.

Tom Wicker, the New York Times journalist, is one of the few columnists to reflect on the correctional officers' role in society. "At worst," he wrote, "they are the instruments of an inhuman system, and at best—as many showed in the aftermath of the uprising—they may understand more of the prisoners' grim plight than do high State officials." Certainly, the correctional officers have shown an understanding and a depth of concern that far outmeasures the pious statements from Governor Rockefeller.

As this column is written we are in negotiations with the State on several broad demands for changes in the prison system formulated by members of Council 82. Those changes are aimed at relieving the conditions which brought about the riot at Attica—conditions that exist in most other New York prisons. They are reasonable, obvious measures to improve the safety and the security of the employees and the inmates. But the State shows no signs of having learned from last month's tragedy.

We are asking for more manpower and more and better supervisory personnel; for training for all correctional officers to begin immediately; for more black and Spanish-speaking correctional officers to relieve the racial strain; for higher salaries and better benefits for the men and women who hold dangerous jobs; for modern equipment for the officers and for inmate training programs; and for a maximum security facility to segregate the small percentage of incorrigible criminals from those who will respond to rehabilitation.

One more thing—the race question. Most of the inmates at Attica, as at many prisons around the country, were black or Spanish-speaking. The correctional officers are, with few exceptions, white. It doesn't have to be that way.

We're not sharing that rap. We have black, white and brown correctional officers in New York and in other States, who belong to the union. Some of them are enlightened on race; others are not. That's true of every segment of society. But I think one thing is clear to the men and women who work in New York prisons: They know that the struggle is not one of guards against inmates. The real struggle is between those who believe prisons should be humane and rehabilitative—who believe they should be safe and comfortable places to work—against the budget-cutters who reason that prisoners and prison guards just don't matter.

The State of New York laid off about 300 correctional officers and over 1,000 narcotics correction officers a few months ago because of legislative budget cuts. They phased out still more workers and cut back on the rations of soap, towels, clothing and toilet paper issued to inmates.

Today 42 men are dead and Attica is in shambles. Was it worth it?

The CHAIRMAN. The next witnesses are Capt. Franklin J. Wald and Guard Frank Strollo. Incidentally, I will say for those of the committee, the witnesses were both hostages at Attica when the trouble occurred there.

Captain Wald has been a New York State correctional officer for the past 35 years, and he is known as "Pappy" Wald to both inmates and correctional officers at Attica Correctional Institution in New York. Captain Wald is the only captain of more than 300 men, and he seems to be well liked and well known by both guards and inmates.

Captain Wald was taken hostage by the inmates on September 9, 1971, at the time of the Attica riot. He observed, during the time that he was a hostage, that "the Black Muslims were not bloodthirsty, they seem to be a nonviolent group." He believes that the large size of Attica means you "lost the personal touch" in rehabilitating inmates.

He worked at Dannemora State Hospital and thinks that more psychiatric assistance to the inmates is needed. Dannemora has psychiatric programs.

He was one of eight hostages, correctional officers, on the catwalk with knives to their throats on September 13. He said that the pinpoint mark of the knife stayed on his throat for weeks after the incident.

Captain Wald and his wife are building a home in New York, and he plans to retire soon. He currently resides in a State-owned home, which is in a complex of 13 State-owned homes adjoining the prison.

Frank Strollo was a hostage guard during the inmate rioting of September 9-13, 1971, at Attica Correctional Facility in Attica, N.Y.

He is 29 years old, and he has been a guard since June 3, 1965—61½ years. He had no training when he started, but attended a 3-week course the following year. Prior to becoming a guard, he clerked in a supermarket; he is married and the father of two children. He resides in Batavia, N.Y., where he was born. He also has worked as a guard in Sing Sing, Matawan State Hospital, and Greenhaven, prior to being transferred to Attica in October 1966.

You have had a valuable experience, Captain Wald, and we are glad to have you with us today. Would you like to begin the questions, Mr. Phillips?

Mr. PHILLIPS. Mr. Wald, can you tell us briefly how long you have been with the correctional authority?

STATEMENTS OF CAPT. FRANKLIN J. WALD AND GUARD FRANK STROLLO, ATTICA CORRECTIONAL FACILITY, ATTICA, N.Y. (GUARD HOSTAGES AT ATTICA); ACCOMPANIED BY JOHN H. STENGER, COUNSEL

Mr. WALD. Yes; 35 years.

Mr. PHILLIPS. Have you served in various capacities?

Mr. WALD. Yes, sir; from guard to captain.

Mr. PHILLIPS. And have you served in many institutions?

Mr. WALD. Well, I served in Attica for a short period of time, at Wallkill, twice I have been at Woodburne, and just before I came back to Attica I was at the diagnostic clinic treatment center which is a county prison which was a pilot program for the multiple offender.

Mr. PHILLIPS. Can you tell us essentially, of those particular units, which would be the best from the point of view of prison?

Mr. WALD. For what? I did not quite understand that.

Mr. PHILLIPS. If you had your choice of serving time in one of those institutions, which one would you pick?

Mr. WALD. Well, you mean working there or doing time?

Mr. PHILLIPS. Either way.

Mr. WALD. Well, there is some argument for and against a thing like this. There are a lot of inmates that like doing time at Attica or Greenhaven or one of the maximum security places.

For instance, the last place I worked before I came to Attica, the diagnostic treatment center, which they gave it the pet name of "Petticoat Junction," it was what all of the inmates called a country home. I had bowling alleys running to 11 o'clock at night there. This was for the multioffender. And the criteria did not bear out, you know, the so-called hard guys or people—violent people.

In fact, they welcomed these people, if they were not psychotic. And I was there 3 years. We had intensive psychological treatment and training there. I think one of the most important things that perhaps we are missing is there an inmate had a chance to ventilate, get rid of his frustrations, for the reasons that we had community meetings every day.

Now understand, this is only a 100-man outfit. It could be done in a place like this. It was almost a self-government thing, and it was a place where you had your community meetings; if there was any problem, it was discussed by all of the inmates.

This gave them a chance to get out of their system all of this hostility and frustration and bitterness. They had night programs there. They had individual therapy. On Tuesday they had group therapy which they used and quite a lot of people that would come in, out of Plattsburg, McGill College, I am talking about women, young seniors in the college.

On Saturday they had a man come in from McGill University by the name of Mark Senick. He was sort of a person he put out a social drama thing. In other words, if there was one act done against that particular community during the week that was not acceptable to the rest of them, this man with the social drama put this act on and the inmates

themselves acted out the problem and so the ones that were watching understand and this was how they handled most of the problems up there.

And much of the bitterness I would say of the prison setup was dispelled in an atmosphere such as this. Night programs—you had art, drama, school, things of this sort.

MR. PHILLIPS. Would you say that the absence of these facilities contributed to the tensions at Attica?

MR. WALD. No; I think possibly the size of the place. You know, these are the old maximum security prisons where our institutions, correctional facilities they are called now, with the regimentation that they have to have to move large groups around. You have got a lot of people to feed during the day, the work and this is done in groups, and with it comes more confrontation between the officers and the inmates, due to these movements and working conditions and things of that sort.

MR. PHILLIPS. The programs that you described do not exist at Attica; am I correct?

MR. WALD. That is right, and, of course, we come back to money again. Around \$11,000 a year to run one inmate through this thing.

MR. PHILLIPS. You wouldn't know what the cost at Attica was?

MR. WALD. No; I don't know. I think it is somewhere up around \$5,000, something like that. Of course, cost of food and clothing and all of those things have been going up in the past few years.

MR. PHILLIPS. Can you tell us briefly what you think the relationship between the guard or correctional officer and the prisoner is and should be?

MR. WALD. Well, for one thing, there should be rapport. Now, I say this in a sense that back when I first started in this business, we then had all of these old so-called prohibition mobsters in there at the time, and if the guard treated this person as a man, he was treated back the same.

These are men with a lot of substance, you did not have, of course, the drug problem then and things of that sort. They were real men. I think the guards should be firm, friendly, and the firmness has to be there, too, because these are people who need guidance; many of them are. They do things on impulse. You have got to have a lot of understanding there in order to overlook a lot of those little things.

I think the problem we have now is in recent years a lot of our old timers are retiring, men that have been through the mill, have a wonderful rapport with the inmates. They were able to talk with them and now you are getting, of course, the younger group to replace them which is only natural. Father Time does that to all of us and there is the lack of rapport between them now.

Perhaps, maybe as they get a little older together there will be more understanding. But I think this thing that happened there was about the most normal morning that I ever saw when that thing broke. And I have been in a couple of these things before, but this just blew up like a cyclone and, of course, Mr. Strollo and myself happened to be unfortunate enough to get caught up in the thing.

MR. PHILLIPS. Can you tell us whether or not you sensed anything immediately before that?

MR. WALD. There was nothing that morning.

Mr. PHILLIPS. How about the days and the weeks just ahead of that?

Mr. WALD. Well the only day was the one you mentioned earlier in some of the other testimony which was the Jackson thing out there when he got killed. I happened to be on that morning and there was a few of them came through, not too many, old pieces of black shoe-string around their arms, sort of a mourning band. Some of the officers there thought that perhaps it should have been corrected. I said, "No, leave them alone," and we had a normal breakfast, they did not eat, that was it, they skipped the one meal and went out and that was it and we were back to normal the next day.

It was in mourning for Jackson.

Mr. PHILLIPS. Had you had any evidence of additional complaints during that period of time from the prisoners?

Mr. WALD. No; actually I would say it was exceptionally quiet and normal.

And I interviewed numbers and numbers of inmates and actually most of their so-called complaints were just normal every day run-of-the-mill things which we were able to solve. Whether it would be their mail or medical thing or you know, just normal routine. Nothing really against. You would get a fellow who occasionally wanted his job changed and you would sort of get the idea that he would be afraid to work in that area. But when you would investigate it, you would find he perhaps disagreed with someone and he was afraid he was going to get hurt.

There was nothing before this thing, nothing.

Mr. PHILLIPS. Were you aware of the altercation when Dewers was taken from the cell on the night of the 8th?

Mr. WALD. The night before, yes. We had met with Mr. Ciuross at a labor management meeting. In fact, the meeting lasted until 6:45 at night. We were at it since 10 o'clock in the morning. Running a correctional facility with the inmates, of course there are various and many problems. You also have labor to contend with, their particular complaints which have to be received and this, of course, takes up a lot of supervisory time.

Mr. PHILLIPS. Is there any special problem that you had on September 8?

Mr. WALD. Well, the only thing that occurred at that time was the incident they mentioned earlier. The inmate that had pushed this lieutenant out in the yard and had gone out to get him and I think there was wrestling or something and rather than create an incident out there, because quite a number of inmates that had come around as they normally will, like they do on the street, group up to see what was going on, I imagine that was most of it.

So he went in and I think later on they had some trouble with one of the fellows and they took one out and put him over in the special housing building.

And the next morning, I was in early, ran breakfast and these so-called troublemaking inmates walked right past me and there was no indication of any trouble at all.

Mr. PHILLIPS. Didn't they refuse to go to breakfast that morning?

Mr. WALD. No; they just went over. In the beginning there was one of these lads that had been kept locked up just for the adjustment

committee and I think what you're referring to is that one of the inmates ran around there and had opened up his cell.

Now, who had this they don't seem to be able to know. So now he was out on the gallery with the rest of the groupings. So, rather than start a big fuss they just ran the whole company over to breakfast and it was on the way back when they decided not to put this company in the yard, to run them up, to get this fellow back in his cell, and this is where the thing started.

Mr. PHILLIPS. It started right then and there?

Mr. WALD. Yes, sir.

Mr. PHILLIPS. This is the same company that had witnessed the taking of Dewers from the cell?

Mr. WALD. Yes, sir.

Mr. PHILLIPS. And was the fellow throwing the glass involved with the company that started the riot?

Mr. WALD. That is right.

Mr. PHILLIPS. And you did not regard, at least so far as you were concerned, the fact of the incidents of the night before as being indicative of tensions or a problem in the morning?

Mr. WALD. It was a contributing thing. In prisons, like any closed society, you find this is true. There rumor runs rampant. Any little thing is blown up into an awfully big thing and apparently this is what happened on this incident.

I think with this lad he didn't want to come out. Mr. Stollo can explain this later on. He was with the group, so they picked him up and carried him. That is all that was done to him and, of course, the story got enlarged the next morning, said he was beaten to a pulp and then carried off.

Mr. PHILLIPS. Was there anything that the administration could have done to try to crush that type of rumor: to try to put the situation straight so that people would be aware it did not happen?

Mr. WALD. Nothing; because if a thing like that was going to happen the next morning, you can't get word around fast enough. People are going to believe what they are going to believe anyway.

The CHAIRMAN. I am sorry, we have a record vote. We will have to go to the floor and come back. If you will just wait briefly.

(Whereupon, a brief recess was taken.)

The CHAIRMAN. The committee will come to order, please.

Go ahead with your questions, Mr. Phillips.

Mr. PHILLIPS. Captain Wald, I believe when we left off you were telling us about the morning of September 9 and what transpired. Would you tell us in your own words what transpired on the morning of September 9?

Mr. WALD. Well, from the beginning, we started and ran our regular breakfast, everything was running smooth and normal. The men all went back to their particular jobs and to their work areas. Then we have what we call a late breakfast because of the overpopulation we had at that time. It was necessary to run I would say about four companies of men to late breakfast.

This again is a common thing. We went over to the mess hall and I stood outside, watched them go past. They ate and there was no indication of any trouble whatsoever.

Normal conversation in the mess hall. We came out and apparently the company that so-called started the riot walked right past me and everybody seemed relaxed and there was no tenseness, no indication of any trouble whatsoever. They even went on back into the A block area where they were housed. Apparently they had some confrontation of whether they were to go to the yard or not.

Apparently they had closed the yard and they wanted them back in the cells. And this is where the thing started.

Mr. PHILLIPS. Was that a result of not going to the yard? Wasn't it the normal procedure for them to go into the yard?

Mr. WALD. Yes; on days where the weather permitted.

Mr. PHILLIPS. And that was a day when the weather permitted?

Mr. WALD. Apparently. We had many other days where the weather would have permitted but due to maybe shortage of help or something you would run them back in the cells for maybe an hour until you got more help. Together then you would run them out.

Mr. PHILLIPS. What happened then?

Mr. WALD. Well, I was not over in A block at that time. I was in C. And apparently Lieutenant Curtis had some words with them and some of the men in the company stepped out and started attacking him with their fists. And one of the hallkeepers down there ran down to assist them and they started beating him. They backed up and down into block area A and this large group of men by now out in the yard had heard about this and they took over the guards that were out there and got the keys from them and came on in and this was how it started off the thing.

The two officers then had run down to the one of the galleries and some of the inmates down there that were friendly with them hid them in one of the cells and this thing then started. They went out in the yard and armed themselves with football helmets, baseball bats, and whatever sticks or weapons they could get ahold of and they started on down through the prison itself.

The CHAIRMAN. Let's relate this to what they said about the plans. Was there any complaint about the previous treatment or grievances that would relate it to anything that was said, that they were doing this because of conditions that existed or did they indicate it?

Mr. WALD. You mean at the time that this thing exploded?

The CHAIRMAN. Yes.

Mr. WALD. No. I talked with some of the men that were in that area. They said no, it just blew, almost like an explosion. There must have been a lot of interfeeling there of some kind.

The CHAIRMAN. You were one of the hostages in the yard?

Mr. WALD. Yes, sir.

The CHAIRMAN. You were up on the catwalk in the yard?

Mr. WALD. I was in the yard area.

The CHAIRMAN. And I believe one of the inmates had a knife at your throat.

Mr. WALD. Yes, sir.

The CHAIRMAN. You were there for how many days out in the yard with the men?

Mr. WALD. Four and a half days.

The CHAIRMAN. You must have heard the men talking. What did they say during the time you were there with them, if anything, about their grievances or their complaints or about conditions?

Mr. WALD. We heard the people that were guarding us. We heard no complaints I would say from them. The only complaints were up at this so-called negotiating table or where they met with the outside people. And out of it came this list of demands that you have there.

The CHAIRMAN. They finally formulated those.

Mr. WALD. They formulated and voted and out of this came the demands.

The CHAIRMAN. Mr. Waldie?

Mr. WALDIE. Captain, I have heard it argued that when hostages are taken negotiations should never commence until hostages are released. Would you comment on that theory?

Mr. WALD. Well, as you know, I've got a little feeling about this myself.

Mr. WALDIE. I would imagine you have.

Mr. WALD. Being the main contestant in the thing. But that has been a general practice to come right in you know. But I think to support Commissioner Oswald, who is a very humane man I think he honestly—and if I had been sitting out in his place I would have done exactly what he did, he was trying to save our lives.

He did it in the only way that they thought at that time would work. Within 2 days of negotiations, it looked as if it was going to work. But then we got these other outside people in and they started to talk some more and you must understand there were 1,200 men out here and some were highly excitable, and I am talking about different groups of men that compose the prison society. There are your Black Muslims, your Catholics, your 5 percent, your Young Lords, your whites, all with different thoughts, different backgrounds, different neighborhoods, and what not, and they think different; and some are for violence and some were to keep us alive, I would imagine for bargaining purposes.

But it looked like inside of 2 days as if they were going to let us go and then they seemed to change their minds completely. As it got down toward the end why you could see then you know when they were starting to ask for the Governor and things like that, that apparently it did not seem as if they were going to negotiate for anything, they probably would have asked for Nixon next and maybe the Pope or somebody.

It did not look as though they wanted to settle it.

Mr. WALDIE. I gather the answer would depend on circumstances. There is no hard and fast rule related to hostages and negotiations.

Mr. WALD. No.

Mr. WALDIE. And each riot has been handled by the man on the scene as best he can determine.

Mr. WALD. You assess it and if you have a lot of experience and if you are lucky you make the right decision. Apparently, this man in New Jersey had this and did just that.

Mr. WALDIE. Thank you, Captain. I think your testimony has been most persuasive.

Mr. WIGGINS. I, too, have heard the comment by knowledgeable persons that negotiations at a time when hostages are taken is not

wise. I gather that in the normal prison routine it is necessary for guards and prisoners to be in close physical proximity to each other.

And I gather as well that those guards are unarmed. It seems to me that in the nature of things the guards are clearly outnumbered in almost any normal situation and that hostages could be taken easily, almost at any time at the will of the prisoners.

Mr. WALD. That is true.

Mr. WIGGINS. Well now, comment upon the logic of the argument that to reward the taking of hostages by considering or acceding to negotiations or demands, is merely to encourage the taking of future hostages.

Mr. WALD. Well, I think that is a trend of thought that the fellow out there saying he has 38 lives in his hands. It is hard to tell you know. It is very easy when you don't have the human factor involved.

I mean to say there is a mathematical probability that you could make a hard, fast decision, but when you look down in that yard and have to make this decision, perhaps there is some slim chance of saving 38 lives. I am talking about a person that maybe personally knew a lot of the wives, a lot of the children, it is a very hard decision to make.

Mr. WIGGINS. I can appreciate that it would be. But nevertheless, the issue raised by my question in terms of just general policy ought to be explored. Would you care to comment upon whether it is wise, as a matter of general policy, to commence negotiations when prison employees are taken as hostages?

Mr. WALD. Well, it is a question that under, well, I can't say normal conditions, but in practice to go right in immediately if you have enough help, if you have enough strength to take over a position.

This does not give them enough chance to get settled and probably gain strength and in weapons and things of that sort.

Mr. WIGGINS. Do I understand your answer to be that the optimum response to a situation such as I have described is mediation or overwhelming force to put down the insurrection?

Mr. WALD. This apparently would be the best thing to do. But you must know this and I can't argue with this. Mr. Strollo and myself were both hostages and due to the decision of the day they had come in, we can't argue with that point of coming in or when they came in because the day they came in was the best day for both of us. We are still alive.

Mr. WIGGINS. I realize that and I am also mindful, Captain, that since the Attica uprising there have been several—one in the news today—prison uprisings in which hostages were taken. The argument could be made that at least the kind of response made at Attica might have prompted the taking of hostages in other prisons.

I am not representing that it did have that result, but I think that it might. I would like you to comment, too, upon another option, giving the situation where prisoners have seized and are holding hostages. What do you think of the option of doing nothing, absolutely staying away from the prisoners and their hostages so long as you are convinced that the hostages are not in immediate danger?

Mr. WALD. Well, the thing that I know, in the yard where we were at times, tempers grew shorter and this even was under conditions of

where they were able to express what the psychiatrists call it, ventilate themselves, get rid of this hostility by talking, I think in the short time they would be fighting among themselves and harm the hostages under that sort of situation.

Mr. WIGGINS. Thank you, Captain.

The CHAIRMAN. I am sorry, we will have to go back to the floor again, we will take a brief recess.

(Whereupon, a brief recess was taken.)

The CHAIRMAN. The committee will come to order, please.

Mr. Steiger.

Mr. STEIGER. Thank you, Mr. Chairman. Captain, since I missed the bulk of your earlier testimony I apologize. I would like you to expand if you would on your comment about the significance of the societies within the prison, the 5 percenters and so on. When we were up there some of us had the opportunity to visit the corrections officers and the prisoners.

It seemed to be that the Muslims, in this instance, served as guards for the hostages. No. 1, that is a valid statement; and, No. 2, are they significant, are the societies a significant factor?

Mr. WALD. Well, so-called Black Muslims apparently believe in no violence. This was the story that came through. Now the guards that we had guarding us, this was the 24-hour setup. There were Panthers in this, there were 5 percenters, there were whites, the Young Lords, and Muslims, so you could say anyone.

I think they picked these people because they were, perhaps, more calmer and stabler natured than some of the rest out there.

Mr. STEIGER. It is my understanding, Captain, that the 5 percenters refers to the toughest, meanest 5 percent of them, by their own definition. Is that right?

Mr. WALD. So they say, but with the various organizations I have had experience with in the prison, of course the ideology of a particular belief or what tends to go along with a man's behavior, but I think it is more the individual than anything else, because when it came right down to this invasion, there were some inmate guards there who were supposed to kill some of the hostages, and when it really came down to it they did not have the nerve and told the hostages so and some of these were Young Lords, some were 5 percenters, some were Panthers, it depended on the individuals.

Mr. STEIGER. Captain, it is true that these groups you mentioned are rather rigidly structured, they have a leadership and a subleadership. Is that the case?

Mr. WALD. This is true.

Mr. STEIGER. Isn't it true that given the existence of structured organizations within the prison, it is relatively easy if the leadership of these various organizations can agree on a plan of action and this in this incident riot, isn't it easier to implement a plan of that sort because of the relative rigidity of the organizational structure and ability to intimidate this leadership?

Mr. WALD. I will tell you. You talk about the rigidity, there did not seem to be a rigidity. Normally, all of the groups have different beliefs and different thoughts. Some are for violence and some are non-violent; some are for in between. And in this particular case, appar-

ently they all seemed to be welded under one head, whoever this head was. They all sort of joined hands and forces which brought about this so-called riot or disturbance.

Mr. STEIGER. But that welding or unifying only took a couple or 3 days to solidify.

Mr. WALD. It probably took a whole year.

Mr. STEIGER. I mean once the riot was underway, was there unity right from the start?

Mr. WALD. From where I was I would say yes; definitely it had been structured quite a while.

Mr. STEIGER. So you discounted the significance of the organizational role of these various groups; do I gather that?

Mr. WALD. Not in such a sense, because each have their own beliefs. But in this particular case I would say that they seemed to be welded under a common cause. These are normally outfits that don't agree with one another out on the street.

Mr. STEIGER. I understand that, sir. Opposed to a prison with no such organization in it, and I don't suggest that should be the case, and opposed to this kind of situation in that there was no structured grouping within the prison population, wouldn't that disorganized-type of prison system be more difficult to coordinate a riot such as a structured-type such as existed at the time of Attica, at least among the black population?

Mr. WALD. Well, of course, they talk blacks and whites, but you have, at Attica in particular, 55 percent black, which of course, put more out there, there were quite a few whites in with this thing.

Whether they were accepted completely by the blacks I don't know. From where we stood or sat in the yard, it looked as if they were completely in accordance with the blacks. Now, you have that, of course, in your Puerto Rican establishment which ironically on the records they mark these people white. Well, this is perhaps because of the Spanish extraction. But in many cases some of these are blacker than some of the blacks.

And you know there is quite a lot of confusion between the two there at times.

Mr. STEIGER. How long have you been at Attica?

Mr. WALD. Well, I started there in 1937. I ran just about every job in there up until 1956, then went to Woodburne as a sergeant, came back about a year later, because of this thing, family ties. In 1961 I made lieutenant and went right back to Woodburne again. Back at Attica one of the lieutenants had died and I came back within months.

So in 1967 I then went back up to Clinton Prison where the diagnostic treatment center was, and came back to Attica around the middle of June 1970.

Mr. STEIGER. So in that very long period from 1937, you have been able to observe the prison population closely. Have you noticed situations in which, for example, I assume this would only be in the last decade or during the 5 years, in which the Muslims would be the dominant organization among the organizations? Have you seen that change in recent months even where the Panthers or the 5 percenters or an amalgamation of the Panthers and 5 percenters would then dominate? Is that a possible analysis of what you say?

MR. WALD. I would think roughly within the last year and a half there has been a little meeting of groups. Of course they never allowed the large meetings in the yard because regardless of what the organization is it is only trouble. And they would have little meetings of their own.

Of course, subsequently, your Muslims have gone to court over their beliefs and it was then declared by the court to be a religion. They were allowed their minister.

MR. STEIGER. Apparently there are two outfits. There is an orthodox out of Washington and the other and apparently the two ministers were not the same and so they never were able to dig up a Moham-medan minister and so more or less people through time on the quiet basis became a minister I would imagine and to some teaching and recruiting.

MR. WALD. This is part of the so-called social problem that you spoke about before, the thinking of the younger group as they come into the prisons. You had the trouble at the colleges and your riots in the streets, and you are getting these people now in the prison regardless of what affiliation or what outfit they belonged to, and it is a thought when you come in there under this so-called regimentation that you are going to have some confrontation there, somebody disagrees with them or tells them to do something and you are going to have some sort of argument and so there was more, as Mr. Mancusi spoke earlier, insubordination.

Some of these people use a lot of foul language toward the guard and you had this one-to-one thing going on all the time and possibly that is what triggered all of this.

There was hardly no rapport between the younger guards and the prisoners. Of course these are young people themselves.

MR. STEIGER. Thank you, Mr. Chairman.

THE CHAIRMAN. Mr. Murphy.

MR. MURPHY. Thank you, Mr. Chairman. Mr. Wald, in your experience at Attica over the many years had you experienced a previous riot of any type?

MR. WALD. A riot of that type before?

MR. MURPHY. Or any type?

MR. WALD. Yes; but when I was down at Woodburne we had a mess hall blow up. I was in the middle of that thing. These people were mentally defective—defective delinquents. The 16 to 19 group, and that only lasted about, I would say, 30 minutes or so.

MR. MURPHY. There is nothing on the scale that you just witnessed at Attica? The attributing reasons for the riot, if one were to attribute his own reasons, would be that the prisoners presently housed in the penitentiary are reflecting the social unrest from the outside over the years as opposed to previous years?

MR. WALD. I would say this is a large part of the problem. You are starting with this particular thought when they come in and specially in recent years we seem to be getting in the maximum security prison a younger type of a prisoner.

Years ago they were older and, of course, more rational and if they were in there they had their time and you had hardly any trouble. But the younger group seem to be in protest against anything.

I was up at Plattsburg College and talked with the dean one day and I said, "What is wrong with these." He has the same problem, a bunch of young people and he said something there that I give a lot of thought to. This is a generation that has been raised in front of a television set and so they expect instant gratification for any type of problem that comes up.

They have an instant cure for almost anything that comes up there. He said this brought on much of the type of behavior and much of the other things the young people do because of this. Now I had never thought of it. That is a problem. Apparently, I suppose, it has some bearing on it.

Mr. MURPHY. Mr. Wald, I know this is not exactly analogous, but in the service someone they call an "inspector general" comes around and he is not responsible to anybody in the local command. Do we have any of that in the Federal penitentiaries, State penitentiaries?

Mr. WALD. State.

Mr. MURPHY. And if we don't, do you think it could possibly be an effective idea?

Mr. WALD. We have prison inspectors that come in and go through and they go over the food, the problem, the cleanliness of the place, and inspect it and this is all documented and turned back into Albany.

Mr. MURPHY. Do they have access to the prisoners alone though?

Mr. WALD. I think they talk with some of them if they have a problem. Plus your various assistant commissioners from Albany that come in that do interviews, some of the inmates that write letters.

Mr. MURPHY. Do you know of any institutions where this committee which you described has effected any procedures for treatment in the prison as a result of the prisoner's complaint?

Mr. WALD. Well, usually, most of the complaints are on an individual basis. In other words, it is a personal problem where the man exhausts his recourse, he has a medical problem and he is not satisfied with the doctor or the superintendent, he will write and then he comes down and tries to resolve it that way.

There was nothing there on a long-range complaint; that is, a multiple complaint sort of thing, more of an individual. Each individual prisoner had some problem there that he wanted solved, transferred or something like that.

Mr. MURPHY. What effect, if any, had hard narcotics to do with this riot, Captain?

Mr. WALD. I think none whatsoever. Also in a prison setup you have a large number of hypochondriacs, fellows that come in on various drugs, but by the time we get them they are usually so-called dried out, and unless they were able to get into a quantity of these things, why there really was no problem. They go over, and I think this is where most of the medical complaints come from, to the doctor and possibly they are not able to prescribe for themselves and they get in some sort of an argument with him and you have a medical complaint.

In recent years we had more drug convictions you know, of various degrees, pushers or users, a number of the college kids.

Mr. MURPHY. Thank you. That is all the questions I have.

The CHAIRMAN. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman. I would just like to save time and not get into all of the details, but ask you, in your opinion,

could you give the committee two or three ideas, from your background and with your knowledge and your experience, of what we can do in the future or what can be done in the future to prevent another Attica?

Mr. WALD. Well, that is kind of a loaded question.

Mr. WINN. That is why the committee is here.

Mr. WALD. Yes. And because each situation is different you know the problems are different in the various places. I would say one thing in going along with Mr. Mancusi and Mr. Ciuros these places are too large.

If you are going to effect changes in prisoners, you have got to keep them down in an institution of around 600 because you are thinking now in terms of treatment and treatment is the only thing that effects change.

This is where the money question comes in because you have got to hire a lot of people that are professionals, that can effect these changes and also while they are doing this, in a smaller group, your correction officer becomes very well acquainted with the prisoner himself and they can be made part of the team.

Now they have a dual purpose there of a counselor and a corrections officer. You can set all of this up on what they call a total team approach where everybody working in the place would be working on treatment to effect change in the prisoners.

This can only be done in a small place. A place as large as Attica is more a holding thing. You feed, you work, it is so large and complex that you could not begin to effect a change there in a place that large.

Mr. WINN. Do you think you could really effect a change in the inmates, and mental attitudes, and social outlooks?

Mr. WALD. Yes; definitely.

Mr. WINN. Have you had any experience, Captain, in a 600-man compound, so to speak?

Mr. WALD. Woodburne had around 600 and we handled those very nicely. The diagnostic treatment center had a hundred population which was ideal as far as treatment.

Mr. WINN. Do you think that in a 600-man complex that recreational programs would be improved along with rehabilitation?

Mr. WALD. Yes, of course, because now you could get into these night programs that they talk about. It would be more feasible because you would be able to control your population without any threats or danger.

Mr. WINN. What do you mean, the same programs you talk about; I missed that.

Mr. WALD. Well, for instance, in some of the small places they have even outside baseball teams and basketball teams come in and play against the prison teams.

Mr. WINN. You don't have that?

Mr. WALD. No.

Mr. WINN. You don't let them outside at all?

Mr. WALD. Many of these programs are at night. This seems to be the trend now in recent corrections work to have more night games and programs whether it be work, whether it be recreation, or school, library, shows, things of that sort, and one of the things we found out

at the diagnostic treatment center, I think this is important in talking about recidivism, is that many of these fellows don't know what to do with their leisure time at night, even if they go out to work. So most of the recreation is hanging around a bar. This leads to drinking and eventually into trouble. Out there we had night programs and exposed them to drama, to bowling. I was amazed the number of people that never bowled in their life.

By the time they got through with all of these programs they were able, when they did go out, to stay away from these so-called saloons or places where they would be exposed to more crime.

Mr. WINN. Thank you.

The CHAIRMAN. I am sorry. We will have to run back to the floor, Captain Wald.

(Whereupon, a brief recess was taken.)

The CHAIRMAN. The committee will come to order.

Mr. Rangel.

Mr. RANGEL. Captain, in reviewing the demands that were made by the prisoners, notwithstanding they were engaged in illegal activities, how did you review those demands? Did they appear to be legitimate?

Mr. WALD. At the time, from where we were, they sounded reasonable. There were many things in the demands that he was going to change anyway. I mean I am talking about Commissioner Oswald. He had new changes that he was going to make.

Mr. RANGEL. Had not the commissioner conveyed this to the inmates?

Mr. WALD. I think at the time he did. But he announced it from time to time, the new changes and thoughts. He had been down there 2 weeks before, he had conveyed most of this to them.

Mr. RANGEL. If they believed that changes were going to be made, how do you explain that they would jeopardize their good time and take the risk that they did—if they had reasonable grounds to believe that things were going to be better?

Mr. WALD. Well, I could not really explain that. People being people, I suppose they, or the so-called leaders that they had, probably had their own reasons for doing or starting what they did.

Mr. RANGEL. Did you feel an ongoing organization of outside Communists which was reaching down to the inmates in the prison?

Mr. WALD. I don't think that you could name an outside organization such as a Communist or whatever name you want to give it, I think it still goes back to social ills, I mean, the trend of the young thinking now.

Probably not a hard-core organization such as you read about in the newspapers. You have had this that ran through the colleges here a year or two ago, they worked their way through it and found out violence apparently did not work and they now handle their situations legally.

Mr. RANGEL. Let's talk about some of these organizations. Isn't it natural for young persons coming into a prison to want to belong to some group?

Mr. WALD. Well, I think many of these younger people, especially from the cities you're talking about, the sum of the minority groups or all of them, there is a lot of gang activity or belonging in a sense of belonging to some organization or another.

I think it is probably done for mutual protection in particular neighborhoods.

MR. RANGEL. Wouldn't you believe that many of these youngsters never belonged to any gangs but joined for the first time when they entered the institution in an attempt to belong?

MR. WALD. Well, not all.

MR. RANGEL. Suppose I told you, Captain, that notwithstanding the questioning of some of my colleagues that the 5 percenters were supposed to have been started in districts in central Harlem, that there is no such organization as the 5 percenters; you would believe me, wouldn't you?

MR. WALD. Oh, sure.

MR. RANGEL. So that many of the organizations really have their basis inside penal institutions?

MR. WALD. Well, it is a thing in the yard where you have large groups. They tried to dissipate this feeling by baseball and football and athletics, work off steam with athletics and your handball and basketball, organized games.

When I was up at the other place and many of these lads had been raised on the streets and never played organized games of any kind or were subject to any rules and many of them had to relearn this when they were playing baseball or football, things of that sort.

MR. RANGEL. My point, Captain, is would it go against your beliefs to learn that many of the people who come into the prisons and then indicate that they are Black Panthers or they are Muslims or 5 percenters or Young Lords, that many of them may have, in fact, never had any contact with these organizations until they come to the prisons?

MR. WALD. Well, I believe this, that there are some that were as some on the street and then of course there is quite a width of recruitment, done by reason of the congregation in the yard. They are exposed to each other in large groups and a younger person with that much experience would perhaps go along with some sort of a belief if he thought it was going to benefit him in some way.

MR. RANGEL. In reviewing those 28 demands, is it possible that any of those demands could have been answered prior to the uprising without any large expenditures of moneys?

MR. WALD. Well, I think most of them except the shower thing. This was a sort of thing that ran into money. I have forgotten what most of the demands were.

MR. RANGEL. It was the general feeling most of them could have been corrected. They were not really demands that would have required changing the State's penal institutions; were they?

MR. WALD. This is possible. It was a matter of probably bringing them to the proper authorities, and I have always had the belief that they should have tried this, perhaps in more of a legal way, maybe an interview, and things of that sort.

MR. RANGEL. Let's talk about what resources they had. You said a legal way. Would they write a letter to the warden?

MR. WALD. They would get an interview with him, perhaps start with the deputy warden.

Mr. RANGEL. Well, isn't it true that you and the deputy warden knew about these conditions long before they were written about by the prisoners?

Mr. WALD. Well, they were not written as such. I mean you would hear talk now and then about something. But it never was pushed into a sort of demand thing.

Mr. RANGEL. I am talking about the written demands that were made at the time of the uprising. Certainly there were no great revelations to the staff of the attitude there in Attica.

Mr. WALD. Well perhaps, some of them they were not familiar with it at all. What is the old saying that the squeaky wheel gets the grease, and if they perhaps had not pushed as hard—of course, many of these problems were also taken through a recreation director such as the superintendent talked about.

He brought those down. And some of these were changed through him.

Mr. RANGEL. Why is all of the concentration in the area of reform being talked about only through Commissioner Oswald? Weren't there many of you at the prison that thought some changes could be made?

Mr. WALD. Yes; but as the superintendent said when he was up here this morning, all policy starts from Albany.

Mr. RANGEL. Are you saying in connection with those demands that they could not have been put into effect unless approval came from the commissioner's office?

Mr. WALD. Well it is like anything else, the business you are in, the man running it has to be aware of it, it has to be talked over with him, and it has to be agreed on, and this is put through in the form of an order, or a memorandum, or a directive from the head office, and this becomes then part of the running of the institution.

In other words, it is a sort of a legal thing.

Mr. RANGEL. Were there any prior formal meetings, conversations with the senior corrections officers and the warden in connection with the conditions that existed at Attica?

Mr. WALD. I would think he would make recommendations to the commissioner and then your commissioners at Albany would then agree or disagree or either make the changes or deny them.

This has to be done in the formal way through memorandum or letter or an order.

Mr. RANGEL. To your knowledge were any recommendations ever made in connection with the conditions at Attica?

Mr. WALD. The mail for one thing was changed, this sealed envelope sort of thing.

Mr. RANGEL. Obviously that was over the objections of the warden?

Mr. WALD. Well, at the time I don't know. But I mean this was done. This was a directive from Albany. We had a couple of other little changes there.

Mr. RANGEL. Do you know whether any of the changes emanated from suggestions made by the people at the prison, Attica?

Mr. WALD. This I don't know. I could not honestly answer that one.

Mr. RANGEL. Tell me, Captain, as you go through the institution, do you come in contact with many Spanish-speaking inmates?

Mr. WALD. Some. You get them down on interviews and the majority of them. I don't understand Spanish, but the majority of them know enough English that they can make their wants known to you.

In the case of a few isolated cases, I only ran into roughly about five, we had interpreters, two of them, who would come in and would resolve the problem through Spanish.

Mr. RANGEL. Where would you get the interpreters from?

Mr. WALD. There is one Spanish-speaking officer which they hired for that purpose. Then we had another regular officer who apparently lived in South America quite a few years and was very fluent in Spanish. Perhaps a lot of the problems with the Spanish is the language difficulties.

You know problems that they do have. And the majority of them seem to go along on the program and are well behaved in general.

Mr. RANGEL. In order to establish rapport you must be able to talk with the inmates; isn't that correct?

Mr. WALD. This is true.

Mr. RANGEL. As it relates to the Spanish-speaking population, it certainly would be of great assistance to know what is going on in a man's mind.

Mr. WALD. This is true and you would have to do this with a man that does not speak any English at all through this interpreter.

Mr. RANGEL. If he was not available then you would have to wait.

Mr. WALD. There would be one or the other available there.

Mr. RANGEL. But did they work around the clock?

Mr. WALD. They would work on a sort of opposite time off sort of thing.

Mr. RANGEL. Twelve-hour shifts?

Mr. WALD. One or the other was available. We never ran in a problem where we were without one of them.

Mr. RANGEL. But do you and the senior officers ever get together to make recommendations to the warden and ask the warden to make recommendations to Albany in connection with prison conditions?

Mr. WALD. We have at a supervisors' meeting with that, it is every 2 weeks, once in a while once a month. But all of these problems are discussed and suggestions are made and they take notes and then at the next meeting the progress is noted and whatever the problem has been and they try to keep abreast of their problems through these meetings.

Mr. RANGEL. To your knowledge, through all of these meetings every 2 weeks, has there been no written request to Albany asking for improvements to be made at Attica?

Mr. WALD. This I don't know.

Mr. RANGEL. There have been no reports from the warden to the senior officers as to what recommendations or requests were made?

Mr. WALD. You mean that would designate and tell us that he had done this?

Mr. RANGEL. Well, inform you as to how he acted upon the recommendations made by senior officers?

Mr. WALD. Well, I would say that the recommendations that we made at the next meeting, he would then report back and at the time give his decision.

Mr. RANGEL. You can't think of any of these recommendations that were approved regarding the conditions as they existed?

Mr. WALD. Not in the 28 demands area I don't recall any of those being brought up at this time. You see in the beginning I guess, these demands were sent to Commissioner Oswald, in July, or something like that, and what few complaints we pick up here and there throughout the system I don't believe were complete copies but they had some of these demands on. So, you did not really have a formal complaint from the prisoner.

They had complained directly to the commissioner. And I think he was working on the problem.

Mr. RANGEL. Thank you, Captain.

The CHAIRMAN. Mr. Mann.

Mr. MANN. Captain Wald, did you ever hear a guard or an employee at either one of these institutions that you have been attached to address one of the inmates with a title of "Mister"?

Mr. WALD. Well, not in the maximum security prison, no; but the place, this diagnostic treatment center, that was on a more respectful basis. It started out with mister and then it got to be a first-name basis after that, due to the involvement in treatment.

Mr. MANN. But as a matter of practice once the inmate is in the institution in the serving of time he is not referred to as mister; is he?

Mr. WALD. No; most of the officers there that are around them awhile and get acquainted with them for awhile get to call them by their first name.

Mr. MANN. Well, do you think in any way it deters a man who might be disposed to commit criminal acts from doing so because of the knowledge when he gets into an institution they either call him by his first name or they call him by his last name or a number that he loses his identity as a citizen, you don't refer to other people that you generally associate with whom you don't know well, by their first name. You generally address them as Mister So-and-So; don't you?

Mr. WALD. This is true.

Mr. MANN. Then is it a deterrent to the commission of crime, in your opinion, to inflict that sort of indignity on an individual just because he has been adjudged guilty of a crime?

Mr. WALD. Well, of course, I can only take my own thoughts over the years. I always respected a man in every respect and I treated him as such. In other words, if he wanted good treatment I expected the same thing in return.

The CHAIRMAN. He called you "Mister," or did he?

Mr. WALD. Oh, yes; I have had very little as far as my relationship with the inmates, very little disrespect. But I think this is because he perhaps was treated with respect. I might get a fellow that becomes a little psychotic.

The CHAIRMAN. When he is adjudged guilty of a felony and comes into an institution, he has lost his citizenship?

Mr. WALD. Yes, sir.

The CHAIRMAN. He can't vote, he does not have any voice in the government of his community, or State, or his country. And he is generally treated as a sort of an inferior person in the manner in which he is treated, sort of different from what he would be treated if we were ordinarily a part of a group.

Now then, is it necessary to safeguard the inmates against running away, that they all be locked up in cells? I believe they said 60 percent of the time. Is that necessary in an institution with walls 30 feet high around it to restrain these people from running away?

Mr. WALD. I think in a maximum security prison as the warden or the superintendent said, many of these don't need maximum security, but in a maximum security prison this is very much regimented. I mean, certain times they do certain things, this is because the places are so large that they have to be, I would say, regimented.

The CHAIRMAN. You mean this is due to the reputation of the kind of people?

Mr. WALD. I would think——

The CHAIRMAN. Yet Mr. Mancusi told Mr. Phillips earlier in the inquiry, that all of the people convicted of crimes in certain areas of New York are sent to that institution and I distinctly remember one being a 19-year-old boy who was incarcerated who said he manned a blockade, the barricades on the catwalk for 4 days during that time, so that there are some first offenders there and that boy told me he was there as a juvenile delinquent.

And yet people like that have to be locked up in cells, too?

Mr. WALD. Yes. They are part of the maximum security setup once they are in there regardless of what——

The CHAIRMAN. So the nature of the institution rather than the addition of the individual determines whether he be locked up or not?

Mr. WALD. It is the type of institution. The rules and the regulations. This is the reason for it.

The CHAIRMAN. But I know the rules are made by people and the people that make the rules have not seen fit to make exemptions in respect to one kind of treatment as against another.

Mr. WALD. And I think during the future they are talking about night programs which will get them out and keep them out at night longer and this will then resolve much of the problem if this is ever worked out or feasible.

The CHAIRMAN. Is that for the purpose of keeping them from escaping or is that a form of punishment or is that because it is that kind of an institution?

Mr. WALD. You must know we are now coming back to money again. Your day crew, I am talking about corrections officers, and your large amount of people working from 7 o'clock in the morning until 5:30 at night. Then they go home and your night crews now are cut down to a skeleton crew.

They are more of a holding outfit, because you are not moving inmates, they are in their cells, they are taken care of, and they are in until morning, so your staff is cut down quite a bit from what is working during the day.

In order to leave them out at night you would have to increase your staff.

The CHAIRMAN. You mean because you would lose count, somebody might escape if you didn't have him locked in a cell?

Mr. WALD. There would be more control of the institution. You see it would not be the case where during the day you had 200 people working, I am talking about guards and other people who control this whole population, then at night I am talking about

the two night shifts, this is now cut down to about 50 men on each shift.

The CHAIRMAN. They keep them in cells partially because they don't have enough money to hire enough people to look after them?

Mr. WALD. This is the meat of the whole problem.

The CHAIRMAN. Here is a map. Is that a relatively correct map of the Attica prison?

Mr. WALD. Yes; I would say that.

The CHAIRMAN. It was divided into four cellblocks, A, B, C, and D.

Mr. WALD. Yes, sir.

The CHAIRMAN. There was a courtyard attached to each one?

Mr. WALD. Yes, sir.

The CHAIRMAN. I believe both of you and Mr. Mancusi suggested that it would be highly desirable not to have more than 600. I believe in Illinois, in the new Federal prison, they only have about 400.

Mr. WALD. Yes, sir.

The CHAIRMAN. Suppose you just made that permanent and cut off those where it cost a lot of money to build a new building. What if you just block off each one of those cellblocks with a courtyard attached to it, so that there was no communication possible between the various cellblocks and the various courtyards? Then suppose you just left the cells open at night, with 600 in each entity, and you allowed them a certain amount of freedom to go and come at night if they used their cells for their bedroom: would that be feasible?

Mr. WALD. Well, you must know in a population that large, or even 600, from time to time there are some that become psychotic so you would have this to contend with. You might have trouble at night with say a psychotic inmate with a lesser amount of staff, maybe they won't be able to handle it and they, if you had any following at all, would have some sort of disturbance again.

The CHAIRMAN. These inmates exhibited what impressed many people as a remarkable degree of skill in social leadership in the way they organized on short order in that courtyard. If they can organize and control a group, by their chosen leaders, would it not be possible to encourage them to provide a certain form of self-government if they had more freedom so that the leaders and the dominant group would help you officers protect against the psychotics and the people of unruly disposition?

Mr. WALD. This is a form of thought that is coming into being. I mean some sort of government by them. Of course, as you read back into the Osborne matter, which was an inmate self-government sort of thing, the strong took over and they held their own gangs and kangaroo courts and things became almost unbelievable because many of them when they get into control and run something, it becomes a vicious gang sort of a thing and the weak inmate just can't survive under those conditions.

So it does not really work out. You see, with government there should be the responsibility that goes hand in hand with it.

Now, if you only have the allowance of them to govern themselves, then there should be some responsibility that goes with it to, perhaps, help run the place.

The CHAIRMAN. Mr. Mancusi suggested removal of some of the so-called agitators. Would it be possible to experiment with self-government with the clear notice to the inmates that if they abused the priv-

ilege it would be taken away from them. You might segregate those who would not be disposed to operate that way and deal differently with the others?

Mr. WALD. Well, large groups are often unwieldy to handle. I keep going back to the diagnostic center where we only had 100. Now they sort of ran that thing. We guided them. They did an excellent job. For instance, that bowling alley area there. I allowed them to make their own rules up and I found out they were a lot tougher on the rules than I would have been.

And that thing ran for 3 years without an incident down there and you know a fight would automatically throw the fellow out of the program for the whole season and they knew this.

We even had a young woman psychologist down there bowling on teams with them and our officers bowled on the teams with them. We ran that thing without an incident.

The CHAIRMAN. By the way, we were told that at Attica you did not have a professional in charge of your recreation program; is that correct?

Mr. WALD. This is true.

The CHAIRMAN. Mr. Sandman.

Mr. SANDMAN. I missed most the testimony. I am not going to try to repeat anything. I am interested mainly in what you had to say in answer to Congressman Winn's question about the size of the institution.

Attica I am told is 2,200 inmates. You recommended that prison capacity should be limited to about 600.

Mr. WALD. Yes, sir.

Mr. SANDMAN. Now then, you said that you had worked for some period of years in a New York institution that had such a capacity?

Mr. WALD. This is right.

Mr. SANDMAN. Then the bells rang and I did not get your answer. What did you say?

Mr. WALD. Well, at that time we had night programs, we had dormitories up there and we had library at night, movies at night, basketball games at night, and they were run until 10 or 10:30 at night, which cut down on the amount of time they would be locked up.

Mr. SANDMAN. Did you have any rehabilitation programs in that prison?

Mr. WALD. You must know on this, these were mental defectives. So-called dull normals. It was more of an educational thing there to try to improve them.

Mr. SANDMAN. Do you know about the percentage of repeaters as to those in the small institutions you are talking about as compared to those of a large institution such as Attica. Was there any appreciable difference between the two, if you know?

Mr. WALD. Well, now you are getting into age groups, too, because most of the smaller institutions are the younger age group. The larger ones had the so-called hardened offender and he was much older and had gone through the mill on most of the courts.

Smaller places were more a reformatory-type thing and you run into more first offenders.

Mr. SANDMAN. Do you have any institution in New York State limited to about 600 for more of the hard-core-type that you have at Attica?

Were they all limited to juveniles?

Mr. WALD. No; the only one I can think of is Comstock. I don't know what their total population is now, but it is for younger people and there were people that they sent up there out of reformatories that were so-called disciplinary problems.

They isolated them from their program.

Mr. SANDMAN. If I ask you this question, Captain, would you be able to answer it in the affirmative? Do you know whether or not through experience in the New York system with men of the same kind of crime background that there would even be a better rate of the prison that had a low number of inmates as compared to the large prison on the chance of them returning?

Is there any statistical matter available from the State to prove that?

Mr. WALD. The only place that I know of is back to the diagnostic treatment center and they had 100 inmates and had so-called control groups in all of the prisons with like crime, light sentences, and they evaluated this and now in, I think, their fourth year and they said it would be 5 years before any great determination could be made on recidivism. They had gotten rid of on parole about 280 people and the most significant thing at that time, that again was about 3 years' duration that the thing had been running, was that out of that amount of men there were only three who had committed new felonies.

And this was not true of the so-called control groups that were in the prisons. They came back on about the same amount of violations. These are minor parole violations, they were not new felonies. That was the most significant thing that showed up from that study at that time.

Mr. SANDMAN. So that from the best information available there is not any proof at all coming from the State of New York that the smaller institutions would have a better result; is there?

Mr. WALD. Not necessarily, really, except this one place. I will say this, the smaller the place the more time you have to devote to, perhaps, straighten out offenders that are troubled or who have a character disorder or something that you would want to keep out.

You would be able to devote more time.

Mr. SANDMAN. I have no other questions.

The CHAIRMAN. Mr. Rangel.

Mr. RANGEL. I would like to ask one question about the diagnostic clinic or treatment center. Is it still in operation?

Mr. WALD. Yes, sir.

Mr. RANGEL. And where is it located?

Mr. WALD. It is right next to Clinton Prison just above Plattsburg, N.Y.

Mr. RANGEL. Thank you very much.

The CHAIRMAN. Thank you very much, Captain, we appreciate it very much.

Our next witness is Mr. Frank Strollo.

We are pleased to have you, Mr. Strollo, and I will ask counsel if he would like to ask you questions.

Mr. PHILLIPS. We have very few questions for you, Mr. Strollo. I believe, however, you were involved directly in the incident of September 8, immediately before the disturbance occurred; is that right?

STATEMENT OF FRANK STROLLO

Mr. STROLLO. Yes, sir.

Mr. PHILLIPS. Can you tell us what happened?

Mr. STROLLO. Well, I was working until 5:30 that day. I was not there at the time of the incident in the afternoon. I was working in a different area.

About 5 o'clock, after the count, I met Lieutenant Monroney as I was walking down and he said he needed about four officers to go with him over to A block to move a man. And he went down the gallery with two of the officers and I then stayed up at the end. He went down and he talked to the man, told him that he would have to move to a different area and no one was going to hurt him and assured him everything would be all right, and at that time I was at the end of the gallery I heard a crash of glass, glass came out of the cell, and at this time I got down there, the lieutenant and two other officers were in the cell trying to hold his hands and his legs, so each one of us grabbed an arm or a leg and we had to carry him.

Mr. PHILLIPS. Was he struggling at that time?

Mr. STROLLO. He was struggling at that time and we told him no one was going to hurt him, we were moving him, and we had to carry him all the way.

Mr. PHILLIPS. Was he screaming the entire time?

Mr. STROLLO. Yes, sir; he was yelling we were beating him but he was never even touched, just carried.

Mr. PHILLIPS. And the individuals who heard this incident were the company that started the riot the next day; is that right?

Mr. STROLLO. Yes; he was on the gallery, I believe it was Two Company.

Mr. PHILLIPS. Would you briefly describe your experiences as a hostage at Attica? What you have learned or what you can suggest to us as a result of being a hostage.

Mr. STROLLO. Well, I would say one of the reasons for the riot probably was some of the Federal court decisions. That was the first thing that came to my mind when I was out in the yard. Last year, in November, we had a riot at Auburn, and some of the troublemakers and agitators were sent to Attica. I believe six or 10 of them.

Well, then there was a court decision that came out, a Federal court decision that these men could not be kept in isolation, they would have to be put with the general population. And they were put in general population, and if you had put them back in isolation in a special housing area, you would have to notify their attorney within 6 hours.

And it was the first thing that came to my mind when I was out in the yard when I saw the same men that were in the riot in Auburn I thought they had learned that you have to isolate men like this, put them in special housing and have special programs for them and when I was out there in the yard, first brought out, I saw a couple of men jumping on a table, let's kill a couple of pigs. These were the same ones that were involved in the trouble in Auburn.

Mr. PHILLIPS. Were you one of the men who was taken to the top of the catwalk?

Mr. STROLLO. No; I was kept in the yard.

Mr. PHILLIPS. You had an executioner?

Mr. STROLLO. Yes, sir.

Mr. PHILLIPS. Did each of the men in the yard have an executioner assigned?

Mr. STROLLO. Yes, sir.

Mr. PHILLIPS. And the executioners, were they armed in each situation?

Mr. STROLLO. In my case I can't say if he had a knife or not. He did not put it to my throat but he did tell me he was going to kill me. I would imagine he had a knife. I was blindfolded at the time.

Mr. PHILLIPS. Thank you.

The CHAIRMAN. Mr. Waldie.

Mr. WALDIE. To become a guard, does it require a civil service examination?

Mr. STROLLO. Yes, sir; you have to take an examination.

Mr. WALDIE. What are the requirements as set forth on the application, is there any education, minor experience, that can be substituted in lieu thereof?

Mr. STROLLO. As I recall you had to have a high school education, had to be at least 5 foot 8 inches and you have to pass this examination to get on the list.

Mr. WALDIE. I gathered from what the chairman read of your background you had been a guard for some time before you had a training period as a guard?

Mr. STROLLO. Right. I started in June of 1965, and I believe it was October of 1966 before I went to school for 3 weeks of training.

Mr. WALDIE. Why did you go to school to pick up 3 weeks training?

Mr. STROLLO. Well, at that time, I believe it was July of 1966, the State had started a new program. They had got some funds to try to train some of the officers.

Mr. WALDIE. Up to that point no such training had occurred in the State system in New York?

Mr. STROLLO. It would be just training from an older officer as you reported to a prison.

Mr. WALDIE. Is that a federally financed program, do you know?

Mr. STROLLO. It might be partially financed with Federal funds, I am not sure.

Mr. WALDIE. Is that program still in existence?

Mr. STROLLO. As far as I know it is still in existence. They do have a training course for officers right now, 3 or 4 weeks.

Mr. WALDIE. That is a mandatory program?

Mr. STROLLO. Well, at the time it started they tried to get the newer officers. Of course, I was already employed for over a year, and they picked me and they could not go back and get all of the older officers. So happened they got to me. I believe the newer officers have to report down there for training.

Mr. WALDIE. And beyond that, the older officer selected apparently through some system as to how long they have been there?

Mr. STROLLO. You mean for going to the training school?

Mr. WALDIE. Yes.

Mr. STROLLO. Well, I would say they went back a year because that is all they could handle, just the guys that had been hired a year before that.

Mr. WALDIE. Where do you take that training?

Mr. STROLLO. Down at Beacon, N.Y.

Mr. WALDIE. How many people are in that school?

Mr. STROLLO. The class I was in there was 25.

Mr. WALDIE. And can you tell me what course you take during that 3- to 4-week period?

Mr. STROLLO. It was a 3-week period. There were on different days different things. Like a day, maybe, of reading the rulebook, how to use handcuffs, another day on firearms, fire prevention, first aid, items like that.

Mr. WALDIE. Anything to do with handling prisoners?

Mr. STROLLO. We did have someone come in to speak. I believe it was a minister that came in, that was maybe from New York City, to speak to us on how to handle people coming from the big cities, and so forth.

Mr. WALDIE. That was about the extent of that?

Mr. STROLLO. Yes, sir.

Mr. WALDIE. Did you have any instructions in political ideology, the sort of "isms" that you might run into in the system?

Mr. STROLLO. I don't understand.

Mr. WALDIE. Well, there has been considerable testimony as to the influence of political philosophy upon what occurred at Attica and in the prison system as a whole.

And there have been some suggestions that those that identified with certain political philosophies should be isolated.

Mr. STROLLO. I would say a revolutionary or someone that does not want to go along with the program should be put in a special housing facility so he would not influence the other men that wanted to go along with the program.

Mr. WALDIE. But did your training involve itself in any way in those areas of knowledge?

Mr. STROLLO. No.

Mr. WALDIE. The skills I gather that you were being taught involved police work primarily; didn't they?

Mr. STROLLO. Yes, sir; primarily. It was a 3-week course, was not too much.

Mr. WALDIE. Didn't learn much, I gather?

Mr. STROLLO. You actually should have at least 4 months' training before you become a corrections officer.

Mr. WALDIE. Do you feel that your training was inadequate?

Mr. STROLLO. Yes; I do. State police, I believe, have a 16-week course and I believe the corrections officer should have a 16-week course.

Mr. WALDIE. Do you believe, Mr. Strollo, that any of the problems of the institution, assuming that there are problems in the institution, are attributable to inadequate training on the part of the correctional officers?

Mr. STROLLO. Well, that would be part of it.

I definitely see a need for more training.

Mr. WALDIE. In what areas do you recognize the greatest deficiency?

Mr. STROLLO. Well, I think human relations, that is a big area.

Mr. WALDIE. I thank you, Mr. Strollo. I appreciate your testimony.

The CHAIRMAN. Mr. Steiger.

Mr. STEIGER. Thank you, Mr. Chairman. Mr. Strollo, how many of the corrections officers have resigned at Attica since the riot?

Mr. STROLLO. I know of only two that have resigned.

Mr. STEIGER. Would you attribute their resignation to the riot?

Mr. STROLLO. Yes; I would.

Mr. STEIGER. Were they hostages?

Mr. STROLLO. No.

Mr. STEIGER. None of the hostages resigned?

Mr. STROLLO. As far as I know they have not.

Mr. STEIGER. Is it a fair inference to say that whatever dissatisfaction there is among the corrections officers, a system that will permit this kind of thing, the job is still better than leaving or that those things that are wrong with it from the corrections officers' point of view outweigh the benefits of being a corrections officer?

Mr. STROLLO. I came back to work because I felt that there was only maybe 100 nonconformers, people that would not go along with the program; the rest of them would go along with the program.

Mr. STEIGER. I am glad you made that point, Mr. Strollo, and I was wondering if being a hostage and also obviously being aware of the prison population, how many of the 1,200 guys in the yard, if they had the opportunity to have walked away without any further intimidation from the prisoners, would have walked away. What would you say?

Mr. STROLLO. I would say at least a thousand of them would have walked away.

Mr. STEIGER. That is very interesting observation. I think it is a very valid one. This intimidation, this fear of reprisal if you don't go along, is really an everyday thing in prison life, more or less. If you complain to corrections officers, you are going to get some heat from the other prisoners. We assume, under normal conditions, if we complained about a fellow member here to the chairman, we are going to get heat from the other members, so I would assume in the prison situation, there is a certain amount of the guy who is a stoolie or something, he gets heat, right?

Mr. STROLLO. Right.

Mr. STEIGER. All right now, is it of such intensity, or the fear of intimidation in this case of 200 reasonably well organized people that are able to intimidate a thousand people? Is that in any way a result of the structure we talked about earlier, the Muslims or the Panthers, or doesn't that mean much?

Mr. STROLLO. Well. I can't comment on the organizations there because I am not too familiar with them. I can't say what organization they were from, the 200.

Mr. STEIGER. How significant was this in which the nonblacks involved were simply the passengers or little associates. Was there any white leadership in this thing?

Mr. STROLLO. I believe there was white leadership.

Mr. STEIGER. So that it really became a matter of personalities, where the guy who was the leader or the revolutionary could back it up with some kind of muscle so the other guys went along?

Mr. STROLLO. Yes, sir.

Mr. STEIGER. So obviously, to a layman who knows nothing about prisons, you people knew who the 200 muscle guys were then?

Mr. STROLLO. You would know nothing of the troublemakers. You have a pretty good idea by working with them every day.

Mr. STEIGER. If the three shifts of corrections officers were to meet, and each shift would come up with a list of who they thought were the leaders, they could probably come up with a pretty good consensus among the three shifts; is that right?

Mr. STROLLO. Yes, sir.

Mr. STEIGER. This is not a responsibility of yours, but if you were going to have better conditions to work under and better conditions for the prison, would you isolate the 200 problem people?

Mr. STROLLO. I definitely would, if it was up to me.

Mr. STEIGER. There was a lot of resentment when I was there visiting among the corrections officers understandably, I guess, from the so-called outsiders, the press for one, the Members of Congress for another. As I say, I could see if I had a problem I would not want a lot of people solving my problem for me who knew a great deal less about it.

But would you say that the prisoners who led the revolt or who seemed to be the troublemakers were able to take advantage of the intrusion and to say the right thing, the thing that would make the most attractive reading for the press?

Mr. STROLLO. Yes.

Mr. STEIGER. And for those that possibly were not as skilled at that, there were lawyers volunteering advice to provide the proper vocabulary.

Mr. STROLLO. Yes.

Mr. STEIGER. I am not trying to put words in your mouth: isn't that right, Charlie?

Mr. RANGEL. You are very effective.

Mr. STEIGER. My whole point is that we here today—for example, the chairman made a comment to the captain that would not it be dandy if we called the prisoners mister. I have the greatest respect for the chairman aside from the fact he is my chairman, but to me as a layman that is nonsense. Now, it might be to you.

Mr. STROLLO. To call a man Mr. Jones or Mr. Smith, you have to know his name, and in a large institution like that it would be hard for you to know everyone's name.

Mr. STEIGER. There is a basic assumption. I would assume that the corrections officers have and apparently not too many of the public have, that if a guy is in jail today because he did something wrong, today you not only have to do something wrong but you have to do it pretty good to get in jail because there is a lot of ways to beat what normally might have been a legitimate rap.

So after all the pressure I never see anything about how it is always society owes these people something, the prisoners. I personally don't feel that they do. I personally feel that the owing is on the other side, and I just wonder if the attitude of the corrections officer is similar to that that appears to be the general public in that somehow when a man commits a crime it is bad, when he is convicted he is really bad, but when he goes to prison or to jail he somehow becomes a folk hero.

This is not unique in our age. I can remember as a youngster going to movies in which James Cagney was always the prisoner with a heart of gold really, would not hurt anybody, and his buddies used

to sing songs and beat the bars with tin cans, and there was always kind of a good-fellowship thing.

I think that is the popular con, the conception of jail. I don't think anybody in the country today is going to tolerate the abuse of an inmate in a prison or anywhere else, but, I think that the abuse of the prisoner and the folk-hero syndrome I think is current. Do you think about that ever, or do you just think that you have got a job to do and you are going to get through the shift? Are pressures such that that is really all you can think of because you are understaffed?

Mr. STROLLO. Well, there is so many men there to help, I realize they have been there for a crime, and there is so many men that want to help themselves. I feel those are the ones we should help.

Mr. STEIGER. Are there inmates whom you can identify as honestly wanting to get along?

Mr. STROLLO. Oh, yes.

Mr. STEIGER. Can you help them under the structure of your present job?

Mr. STROLLO. You try to help them. I came back to work October 11, there was a man working there in the commissary, it was already started up and he had an open date on parole, which means he was waiting for work. He was a black from Buffalo, and this man seemed all right to me. There were the monitors that were coming around, parole officers, and I spoke to one of them and I asked if there was anything I could do for the guy to get him out of the street. He said jobs are hard to find, I have parolees on the street that don't have jobs, and how am I going to find a job for this guy before he gets out?

I said, can't you get him out on reasonable assurance and he said I will check and see what I can do, and 2 days later he came back and said, I have it all set, he is going out. This man made me feel good, because I felt this man wanted a chance to be out, and I hope he does good.

Mr. STEIGER. That is a normal occurrence?

Mr. STROLLO. It is not a normal occurrence because this parole officer happened to be there at the time and talking to me, and I happened to ask him. Normally, this would not have happened.

The CHAIRMAN. Just for correction of the record, the chairman did not say call anybody mister. He asked the question whether or not any of the inmates were called mister, but the chairman would say if it would keep any of the inmates from committing further crimes when they get out. I would be willing to call them mister.

Mr. Mann.

Mr. MAXX. In that connection, do your duties take you so far afield that you are not able to personally relate to a platoon or company or section of the prisoners?

Mr. STROLLO. Well, my job is taking care of the commissary at the present time. So I am in that section.

Mr. MAXX. A corrections officer out in the prison proper, does he have supervision of the same group on a daily basis?

Mr. STROLLO. Some would have supervision on the same group on a daily basis. Others would not, and they would be in a different spot on different days.

Mr. MAXX. I am not suggesting it ought to be organized on a military organizational system, but what is the basic unit of organiza-

tion of the prisoners? How many does a guard have supervision over?

Mr. STROLLO. He might be in charge of one company which consists of 40 men. He might take them to the messhall. Or he might take a group to sick call or something like that.

Mr. MANN. Well, would he be assigned to that company and have a continuing relationship with that shift every day for months?

Mr. STROLLO. No; he would not continue to be on that company. The next day he might be on another company.

Mr. MANN. Thank you.

The CHAIRMAN. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman. I would like to ask a couple of questions. We have been talking about respect for prisoners. What type of respect do the majority of the inmates have for the correctional officer?

On the average?

Mr. STROLLO. I would say the majority of them have good respect.

Mr. WINN. But the 150 or 200?

Mr. STROLLO. You are always going to get them that won't have the respect, just like on the street, society, you are going to have the same ones that don't respect the policeman but the majority of them have respect for the policeman on the street.

Mr. WINN. All right. How do they refer to you, by title, or by name, or by nickname, or does it vary?

Mr. STROLLO. Most of them I would say call me Mr. Strollo.

Mr. WINN. But there are some of them that call you by your first name?

Mr. STROLLO. Some of them.

Mr. WINN. Do some of them call you by a nickname?

Mr. STROLLO. I don't have a nickname.

Mr. WINN. Do they sometimes call correctional officers by nicknames?

Mr. STROLLO. I imagine if they had a nickname that everybody knew them by they might call them.

Mr. WINN. I am trying to get at how much formality there is between the correctional officers and the inmates and back to when you were held a hostage, and you were blindfolded; is that right?

Mr. STROLLO. Most of the time I was blindfolded.

Mr. WINN. You knew the man who had been assigned to you as your executioner? Right?

Mr. STROLLO. No; I don't know who he was.

Mr. WINN. You did not recall him?

Mr. STROLLO. I was blindfolded.

Mr. WINN. You never did see him?

Mr. STROLLO. No.

Mr. WINN. You did not recognize his voice?

Mr. STROLLO. No.

Mr. WINN. How did he refer to you?

Mr. STROLLO. How did he refer to me? As a pig.

Mr. WINN. Did you have a doubt in your mind that if the time was right and if the situation was that explosive that he would kill you?

Mr. STROLLO. Oh, he definitely told me he was going to kill me; he told me that morning, that last hour he told me.

Mr. WINN. How many times did he tell you that he was going to kill you?

Mr. STROLLO. Oh, I would say he told me two or three times. But the time was not right he was not supposed to kill me then; he was supposed to wait and another man had to tell him wait, don't kill him yet.

Mr. WINN. Were you close enough to other hostages to hear other executioners tell them the same thing or were you that close together?

Mr. STROLLO. I was close to other hostages but I don't remember what their executioners were telling them.

Mr. WINN. Were they talking back and forth?

Mr. STROLLO. The executioners?

Mr. WINN. No, the hostages.

Mr. STROLLO. They were talking back and forth to each other.

Mr. WINN. Did you have any doubt that if the guy was given the order that he would kill you if he had a knife?

Mr. STROLLO. I believed that he would have killed me. Probably the only reason he did not kill me was because I believe one of the leaders in front of us said don't kill him yet, wait, and as soon as the assault started and the gas was dropped, I went down on the ground and he gave me a blow over the head but it was a little low and I went down on the ground and I believe he was ready to kill me at that time and another man came over and said don't kill him yet, hold him up as a shield. I imagine he had a knife and was ready to kill me because I heard the man say don't kill him yet.

I was down on the ground.

Mr. WINN. And he hit you?

Mr. STROLLO. I was bent over and my hands were tied to my feet and when I had gone down on the ground this other man ran over and started screaming not to kill me then, hold me up as a shield. And then he tried to get me up as a shield.

Mr. RANGEL. Officer Strollo, why do you believe that you were not killed?

Mr. STROLLO. Why?

Mr. RANGEL. Why do you believe you were not killed?

Mr. STROLLO. I believe the reason was the other man came over and told him not to kill me but use me as a shield. I believe that was the reason.

Mr. RANGEL. Do you believe that someone went to the executioner and told him not to kill the hostages?

Mr. STROLLO. I can't say if he went to any other executioners.

Mr. RANGEL. Well, you recognize that the medical reports indicate that none of the hostages were killed by the inmates?

Mr. STROLLO. Right.

Mr. RANGEL. Couldn't you assume that you would not have been killed by the inmate or would you have been the exception to the rule?

Mr. STROLLO. I can't assume that I would not be killed because by hearing this other man's voice telling him not to kill me I believed he was ready to kill me. A few of the other hostages received wounds on their neck from a knife.

Mr. RANGEL. You heard the testimony of Mr. Ciuros in connection with what he thought was necessary to improve the conditions in the prisons.

Mr. STROLLO. Yes, sir.

Mr. RANGEL. Do you basically agree with that?

Mr. STROLLO. He has some very good ideas.

Mr. RANGEL. Do you agree with those ideas?

Mr. STROLLO. They would have to be worked out. Like he says about minimum wage law. Where they could pay their families instead of their welfare; yes.

Mr. RANGEL. You don't object to them?

Mr. STROLLO. No.

Mr. RANGEL. Did you request counsel today or was counsel just assigned to you?

Mr. STROLLO. I believe counsel was just assigned so I would not jeopardize the Fisher investigation by naming people and things of that nature.

Mr. RANGEL. Well, have many guards who work with you at Attica been relieved of their official duties since the Attica uprising?

Mr. STROLLO. Relieved of their duties?

Mr. RANGEL. Yes.

Mr. STROLLO. No.

Mr. RANGEL. None that you know of?

Mr. STROLLO. No.

Mr. RANGEL. Have you read any newspaper reports indicating that six to eight guards have been relieved of their duties?

Mr. STROLLO. I believe that was in reference to the time off after the assault, right after the assault. I went back to work October 11.

Mr. RANGEL. That is exactly what I am talking about. Do you know of guards who were relieved of their responsibility as guards after the assault?

Mr. STROLLO. No; I don't know.

Mr. WALDIE. Would the gentleman yield?

Mr. STROLLO. Yes, sir.

Mr. WALDIE. I don't understand what the Fisher investigation is concerned with. You have been counseled that you are not to intrude in their bailiwick?

Mr. STENGER. Perhaps I could better answer that, Mr. Waldie. If you recall this morning when Mr. Mancusi made his opening statement he made reference to a grand jury investigation which is proceeding with respect to possible criminal charges.

Mr. WALDIE. That is the Fisher investigation?

Mr. STENGER. Judge Fisher is the name of the special prosecutor who has been assigned to conduct that investigation by the Governor of the State of New York.

Mr. WALDIE. I see.

Mr. STENGER. And it is a State investigation. The reference to the Fisher investigation is with reference to the same investigation of the grand jury that has been impaneled today.

Mr. WALDIE. Is Judge Fisher appointed by the Governor to determine whether or not to bring a case before the grand jury?

Mr. STENGER. Judge Fisher is a special deputy attorney general for the State of New York assigned by the Governor to investigate possible criminal charges arising from the events at Attica and who will be presenting evidence to this grand jury that is being impaneled today, at least his staff.

Mr. WALDIE. And it is that area concerning which you are so sensitive?

Mr. STENGER. Why this was the area we discussed this morning where we would prefer not to get into any individual occurrences that might jeopardize that investigation.

Mr. WALDIE. Thank you.

Mr. RANGEL. Counsel, is there any reason why you did not sit with Sergeant Cinros?

Mr. STENGER. The only reason I did not sit as I understood he was here as a representative of the union rather than as a member of the Attica staff on these incidents which gave rise to the investigation.

I don't believe that the sergeant is from the Attica facility. I am not sure where he is from to be honest with you.

Mr. RANGEL. Captain Wald are you familiar with any guard being relieved of his duties after the Attica uprising?

Mr. WALD. No; I don't because I was in the hospital at that time. I only knew what I read in the newspapers.

Mr. RANGEL. What was that?

Mr. WALD. Well, they did make mention there of a few that had become emotional and they sent them home.

Whether this was true or not I don't know.

Mr. RANGEL. Officer Strollo, you indicate that you can't call the people mister unless you know their last name. It is a fact that you don't have too much personal contact with the inmates because of the overwhelming population at the institution; isn't that correct?

Mr. STROLLO. That is true.

Mr. RANGEL. Now you say you work in the commissary. Prior to that time did you work in the machine shop?

Mr. STROLLO. A couple days a week I worked there and a couple days a week I worked in the commissary.

Mr. RANGEL. And the other days where did you work?

Mr. STROLLO. One day I was extra; I didn't know where I was going to be.

Mr. RANGEL. Let's talk about going along with the program. What is the program in the metal shop?

Mr. STROLLO. The program in the metal shop. Well, at that time it was probably 450 men working in the metal shop. There is not that much work for all the men to do and there are certain machines to be run but I would say there were maybe five or six men assigned to one machine. Just not enough jobs for them in the metal shop.

Mr. RANGEL. That is the program?

Mr. STROLLO. I mean there were too many men at the institution for them to handle.

Mr. RANGEL. So they would hang around a machine and that would be their training program?

Mr. STROLLO. Well, I don't consider that their training program if they are hanging around a machine.

Mr. RANGEL. Well, with all of the men who were assigned to the metal shop there were not enough machines for them. Then the extent of their training was just to be assigned to the metal shop which you are in charge of 2 days a week?

Mr. STROLLO. As far as some of those men that would be their training; yes.

Mr. RANGEL. And obviously there were no other places for them to be trained or they would not be hanging around the metal shop?

Mr. STROLLO. There are schools but the school is filled.

Mr. RANGEL. So, generally speaking, for a large number of inmates going along with the program means just hanging around?

Mr. STROLLO. What do you mean by going along with the program? What I mean is if you are supposed to do this or do that or——

Mr. RANGEL. Let's say you have had an opportunity to review the 28 demands or the 30 demands made by the inmates.

Mr. STROLLO. I have not reviewed them that close.

Mr. RANGEL. You have not read the newspaper accounts?

Mr. STROLLO. I read the newspaper reports but I could not come out and tell you.

Mr. RANGEL. Was it your general impression, to the best of your recollection, when you read their demand that they sounded legitimate?

Mr. STROLLO. I would say some of them were legitimate and I believe Commissioner Oswald was going to implement most of them.

Mr. RANGEL. So if the commissioner thought they were legitimate and intended to support most of them, and then if a person really insisted that these types of things happen, you would not say he was not going along with the program; would you?

Mr. STROLLO. Well, I mean by not going along with the program by being disrespectful or insubordinate or something of that manner.

Mr. RANGEL. You believe a prisoner has a legitimate right to make certain requests in order to improve the conditions in the prison?

Mr. STROLLO. Yes; he could write a complaint that he has on an interview slip to the deputy warden or warden or he can send a letter to the commissioner.

Mr. RANGEL. Couldn't a man just come and tell you that he does not like going to the metal shop unless he has a man to work with and he wanted to learn something while he was there? Wouldn't that be a legitimate complaint from an inmate to a guard?

Mr. STROLLO. Yes; if he came and said to me something like he did not want to be there, he wanted to be in another area I would have to tell him about putting an interview slip in, seeing the deputy warden about getting transferred to whatever area he wanted to go to.

Mr. RANGEL. Let's take a look at the metal shop. Did you receive complaints from those who had nothing to do that they were not satisfied?

Mr. STROLLO. I would get a few complaints. Not many.

Mr. RANGEL. What would you do with those complaints? Would you just take them?

Mr. STROLLO. I would tell them to drop a tap to the deputy warden for an interview, to speak to him about where you would like to be assigned.

Mr. RANGEL. Wouldn't you feel that you could be a more effective correctional officer if you had more job assignments for the men?

Mr. STROLLO. Yes; they should have more, there should be more things to do in a prison.

Mr. RANGEL. Right. Have you ever talked with any of your superior officers about that?

Mr. STROLLO. You would talk to them about it, but here again it is coming from the commissioner and budget and——

Mr. RANGEL. Did you have regular sessions to discuss what you would like to do as a correctional officer?

Mr. STROLLO. No; the correctional officer did not have regular sessions with the superiors.

Mr. RANGEL. Were there any charges of discrimination brought to your attention in the metal shop, where inmates thought the blacks were not getting the same opportunities as the whites? Did that ever come to your attention?

Mr. STROLLO. Never.

Mr. RANGEL. Did you ever have an opportunity to meet and have sessions with some of the inmates in connection with their grievances, real or unreal?

Mr. STROLLO. Have sessions with them? They did have group counseling but I was not involved, I was not one of the officers involved in group counseling.

Mr. RANGEL. Did any of these groups ever have a chance to meet with the guards as a group to discuss some of their alleged grievances?

Mr. STROLLO. Not that I know of.

Mr. RANGEL. Do you personally believe that a prisoner should have some basic minimum rights under law although we are not to make him a hero or a martyr as a result of being convicted? Do you believe, even though he is convicted, that there should be some minimum standards of protection of his rights?

Mr. STROLLO. Yes; there should be some rights.

Mr. RANGEL. Have you ever advocated any changes that would provide these protections?

Mr. STROLLO. Sir, as far as rights that they should have?

Mr. RANGEL. Just things that you would feel would make life easier for the prisoners as well as for the corrections officers if the changes were to take place?

Mr. STROLLO. Well——

Mr. RANGEL. For instance, you sell food in the commissary, that is uncooked, isn't that correct?

Mr. STROLLO. That is true.

Mr. RANGEL. How do you expect the prisoner to eat uncooked food?

Mr. STROLLO. Well, I tell you the way they did it was if they would have a can of soup or something they would put it on a hot pipe over something like that and cook it.

Mr. RANGEL. If they had hamburger or something like that what would they do with that?

Mr. STROLLO. We did not sell hamburger. Soup we used to sell.

Mr. RANGEL. What other uncooked foods did you sell? Coffee?

Mr. STROLLO. Coffee.

Mr. RANGEL. How do you sell the coffee?

Mr. STROLLO. We used to sell it in the 10-ounce jars, 6-ounce jars.

Mr. RANGEL. How do you expect an inmate to make coffee without a hotplate?

Mr. STROLLO. Well, he used to get hot water every day and had a thermos bottle and that is how he used to make his coffee.

Mr. RANGEL. Would you believe that having a hotplate or something to allow him to be able to heat his food or soup or his coffee would be asking too much?

Mr. STROLLO. No; I don't. I think they should have. That is my personal opinion.

Mr. RANGEL. But do you have an opportunity as a correctional officer to get together with your peers and say what you think would be making a better prison, making life easier for you and still at the same time not forget the convicts?

Mr. STROLLO. I don't think that we ever had a chance to get together and talk about it.

Mr. RANGEL. In your 61½ years as a corrections officer have you ever gotten together with your brother officers and said: "I think that we could do better in this area not only for the prisoner but for the correctional officers"?

Mr. STROLLO. Not as a group.

Mr. RANGEL. Have you ever made any recommendations to any of your senior officers or to the warden as to how you can make life better for prisoners and yourself?

Mr. STROLLO. You would make recommendations.

Mr. RANGEL. Have you done so?

Mr. STROLLO. I made suggestions to sergeants or lieutenants.

Mr. RANGEL. What type of suggestions would you make that would make life easier for prisoners and corrections officers?

Mr. STROLLO. I believe one area was standardization of the rules. I would not have one commissary in one correctional facility selling different items from another commissary in another correctional facility.

Mr. RANGEL. That would not, really, choke up an inmate if he did not know what was sold in another commissary?

Mr. STROLLO. The same items, so when one man goes to another institution they would not be taking those items away from him and saying they are not allowed.

Mr. RANGEL. In your 61½ years as a correctional officer have you experienced a change in the type of prisoners that are being received by these institutions?

Mr. STROLLO. They are coming in younger and younger.

Mr. RANGEL. Have you noticed that they are coming in with Communist influence?

Mr. STROLLO. I have had a couple, I have had one that admitted to me he was a Communist.

Mr. RANGEL. I mean looking at them you could not tell?

Mr. STROLLO. No.

Mr. RANGEL. Do you get a chance to read information or literature that they read?

Mr. STROLLO. Once in awhile.

Mr. RANGEL. Does it look like it is published by the Communist Party?

Mr. STROLLO. Well, it would be papers on the far left about things they wanted changed in society.

Mr. RANGEL. What things would they want to change that you would consider to be far left?

Mr. STROLLO. That is hard to say right now, I can't think of any right now.

Mr. RANGEL. Have you lived in any city besides Batavia?

Mr. STROLLO. No.

Mr. RANGEL. When you were receiving your training you said they taught you how to handle people from the larger cities. Do you recall any specific things that they might have taught you?

Mr. STROLLO. There was not very much in that area. They just told us they have problems that you probably would not see where you are from.

Mr. RANGEL. One of those things might be reading newspaper that you have not been exposed to which you might consider to be far left; right?

Mr. STROLLO. Possibly.

Mr. RANGEL. And this is the type of person that I assume you, like the warden, would list as a revolutionary?

Mr. STROLLO. No; I would say revolutionary is one that has disrespect for authority and would like to overthrow the system.

Mr. RANGEL. You tell me how an inmate shows you that he wants to overthrow the system when he is locked in 60 percent of the time.

Mr. STROLLO. Say by insubordination, assaulting an officer, or just coming right out and telling you he is a Communist and he would like to be in China and things like that.

Mr. RANGEL. This type of person you would like to see isolated?

Mr. STROLLO. He should be put in a special housing area.

Mr. RANGEL. You say special housing and this is a term that has been used quite frequently. Tell the committee what you mean by special housing.

Mr. STROLLO. He would be put in an area where he would still be able to get doctor's care, recreation, his commissary, and be allowed to get books out of the library, all of this sort of stuff but he would be in an area where he would not be able to influence the other men, the general population.

Mr. RANGEL. Where would he go to get his exercise?

Mr. STROLLO. There in the same building they would have exercise.

Mr. RANGEL. What type of exercise facilities are available in this building?

Mr. STROLLO. In this type of building?

Mr. RANGEL. HBZ? Isn't that what we talk about when we say special housing?

Mr. STROLLO. Yes. If you could say make it an institution, make it larger, have yards bigger, something like that.

Mr. RANGEL. So you would like to see an extension of solitary confinement for all of the troublemakers?

Mr. STROLLO. Yes.

Mr. RANGEL. And you believe, with your training, that you would be able to determine which members of the prison population should be sent to these types of special housing quarters.

Mr. STROLLO. I would say after a while you would be able to tell. If the man was a constant troublemaker and kept going on, you would not send a man there because he swore at you or something like that.

Mr. RANGEL. He is in jail because he is a troublemaker.

Mr. STROLLO. Yes, sir. But as far as trying to organize the others to overthrow the system that is what I am trying to say.

Mr. RANGEL. When you talk about the system, are you talking about the Government of the United States?

Mr. STROLLO. Yes, sir.

Mr. RANGEL. Do you believe that these inmates, or at least a substantial number of them, are a threat to the security of the U.S. Government?

Mr. STROLLO. As long as they are in a correctional facility they are not.

Mr. RANGEL. But you would like to remove them from the correctional facility and put them in a special political facility?

Mr. STROLLO. Not a political facility.

Mr. RANGEL. A situation where they won't come in contact with their fellow convicts?

Mr. STROLLO. You are not putting them there because of the political affiliation.

Mr. RANGEL. So revolutionary and Communists really has no political connotation to you?

Mr. STROLLO. As long as he is not organizing and trying to start a riot that is what I am trying to say, I don't want to see another riot.

Mr. RANGEL. If we put all of the prisoners in HBZ housing facilities would that make your job much easier? Just lock them up 100 percent?

Mr. STROLLO. I don't think you should do that. You don't have to do that. Like I say, the majority of them are all right.

Mr. RANGEL. But you really believe that you have received a sufficient amount of training in this area so that you could determine who should be isolated from the general prison population?

Mr. STROLLO. I could tell better than someone else that is not working there.

Mr. RANGEL. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Sandman.

Mr. SANDMAN. I only have a few questions. Without trying to impede the grand jury of New York, without asking for any of those answers, do you or could you identify the person who held you in the prison?

Mr. STROLLO. The person who held me there?

Mr. SANDMAN. Yes. Do you know who he was?

Mr. STROLLO. My executioners?

Mr. SANDMAN. Yes.

Mr. STROLLO. No; I would not know.

Mr. SANDMAN. Do you know whether or not there has been any promise of reprisal against these people, the executioners I am talking about?

Mr. STROLLO. No; I have not heard anything like that.

Mr. SANDMAN. In fact this is the reason for the grand jury probe; isn't that right?

Mr. STROLLO. Right.

Mr. SANDMAN. From what you were able to observe as part of this, at least being a part of them in your observation, what effect do you think Attica will have on other institutions, as far as future uprisings are concerned?

Mr. STROLLO. I don't think I can answer that.

Mr. SANDMAN. You don't have any opinion on that?

Mr. STROLLO. No.

Mr. SANDMAN. One thing that I am concerned with is these groups that are within the prison. Do you think it is a good idea to have these groups inside of the prison?

Mr. STROLLO. I am not familiar with these groups.

Mr. SANDMAN. Never had any experience with them at all?

Mr. STROLLO. Well, you are speaking of the Muslims and Panthers and that stuff. The only contact I had with the Muslims was ones that worked in the commissary with me and that was about my only contact.

Mr. SANDMAN. But in a large institution such as this, that has 2,200 men, do you feel that these groups would have any kind of a detrimental effect because of the great population?

Mr. STROLLO. Well, I don't think that you should have these groups organized. Then you are starting to have the gangs like you do on the street.

Mr. SANDMAN. From what you observed and watched at Attica do you think this was a planned operation?

Mr. STROLLO. I believe it was planned. That is my own personal opinion.

Mr. SANDMAN. Do you believe it was planned over a long period of time?

Mr. STROLLO. I can't actually say how long a period of time. It was well organized.

Mr. SANDMAN. Do you believe that the groups formed inside of the prison had anything to do with it?

Mr. STROLLO. Definitely, they would have something to do with it.

Mr. SANDMAN. And if it were not for the groups is there a chance that possibly this may not have happened?

Mr. STROLLO. Possibly.

Mr. SANDMAN. Now much was said by one of the questioners about your ability to make life easier for the prisoners. Is it your view they were sent there to have an easy life?

Mr. STROLLO. No; it is not my view.

Mr. SANDMAN. Is it your view they should be treated fairly?

Mr. STROLLO. They should be treated fairly.

Mr. SANDMAN. And they should be accorded the rights a man in such a category has?

Mr. STROLLO. Yes.

Mr. SANDMAN. And did you treat them that way while you were there?

Mr. STROLLO. Yes, I did.

Mr. SANDMAN. And from what you observed of the other guards, and those other employees, did you observe any infractions of a man's rights as a prisoner?

Mr. STROLLO. No.

Mr. SANDMAN. I have no other questions.

The CHAIRMAN. Mr. Strollo, the concern of this committee, as I said this morning, is to look at the treatment of people convicted of crimes and in our penal institutions, with a view of trying to prevent their committing a crime after they come out.

That is what we are after, whatever will diminish the amount of the recidivism as we say on the part of people already in prisons. I believe it was 50 percent of the people who were in Attica in 1968 had been in the Federal or State institutions.

Now let me ask you this, Mr. Mancusi, Captain Wald, and you have indicated you thought maybe there should be some changes in the administration of the institution, which might be called reforms, which might make things a little better for the prisoner.

Now would it have a better effect upon their not committing a crime when they go out if they were treated more severely, if they were punished more severely?

Are we too permissive today in the institutions? Was the riot at Attica the result of the prison authority being too lax and giving them too much, too good treatment. Tell us whether or not you think anything other than cruel and unusual punishment, which is forbidden by the Constitution, would have a salutary effect upon those people committing a crime when they get out?

Mr. STROLLO. I don't believe there should be cruel or unusual punishment or corporal punishment. That would not make them any better when they went out.

The CHAIRMAN. Well, would the deprivation of some of the privileges accorded them be an inducement to them not to commit crime when they got out?

Mr. STROLLO. I would say you should reward a man for behaving in a correctional facility and take some privileges away from others that misbehave, things of that nature.

The CHAIRMAN. You don't think severity of punishment including corporal punishment, physical assault of one sort or another, would have such an influence upon the prisoners to deter them from committing crimes after they got out?

Mr. STROLLO. No, sir.

The CHAIRMAN. The system that you now have?

Mr. STROLLO. No, sir.

The CHAIRMAN. Thank you. I understand you all have a plane to catch.

We want to thank you very much, Captain Wald, and Mr. Strollo. We appreciate your appearing.

The next witnesses will be James Wilson and Artie Weber, formerly inmates at Attica.

Jim Wilson is the Director of TACT—Temporary Assistance, Counseling and Training—in Buffalo, N.Y. This program is funded by the Model Cities Agency in Buffalo. Mr. Wilson is a student at the University of Buffalo and will graduate with a bachelor's degree in May.

Mr. Wilson will discuss the need for prerelease classes; parole; problems of adjusting to the outside world and job hunting. He especially is interested in discussing the utilization of manpower, in the parole department, community resources, and community involvement.

He is especially interested in starting a community house in Buffalo for ex-convicts.

Mr. Wilson was convicted of being a juvenile delinquent in 1948 when he was 12 years old. He was sentenced to 5 years in the reform school at Jefferson Farm School for Boys, Waterton, N.Y.

In 1953, at the age of 17, he was convicted of grand larceny and sentenced to 3 years in New York State Vocational Institute; he served 26 months of a 3-year sentence.

In 1956 and 1960 he was convicted of the crimes of burglary, grand larceny, robbery and forgery. He served time in Auburn, N.Y., Colorado, Leavenworth, and Attica. He was released from Attica in October 1970 and released from parole this past fall.

STATEMENTS OF JAMES WILSON AND ARTIE WEBER, FORMER INMATES, ATTICA CORRECTIONAL FACILITY, ATTICA, N.Y.

Mr. WILSON. I did not prepare a statement. By way of opening, I would say that it is a pleasure to be here, both a pleasure and somewhat saddening to be here. It is a pleasure to realize that, but I am also saddened by the circumstances which made this possible.

Mr. WALDIE. Mr. Wilson, how long has it been since you were an inmate at Attica?

Mr. WILSON. I left Attica October 9, 1970.

Mr. WALDIE. Would you have been able to predict the type of upheaval that occurred or was that a spontaneous thing that could have occurred in any prison in the United States?

Or am I asking you beyond your competency?

Mr. WILSON. In October 1970, while in the structure of the State University of New York, I predicted within a year it would blow.

Mr. WALDIE. Where did you predict that?

Mr. WILSON. It was based on my information coming from a number of people in that institution.

Mr. RANGEL. I see that counsel who was protecting the rights of the prisoners has left. It seems as though the witness was about to mention——

Mr. WILSON. You are right.

Mr. RANGEL. Mention prisoners' names. It seems to me somebody on the committee ought to protect these people's rights as well.

Mr. WALDIE. Well, I have no intention of infringing on anyone's rights. I am sufficiently unfamiliar with the situation that I will not even be name bearing and if anyone on the committee believes that I will, I will bow to their superior wisdom. I will ask a question and if that question would seem to be jeopardizing things, or anyone's rights——

Mr. RANGEL. I really was not concerned with the question, but he was about to mention the names of certain prisoners in newspaper reports against whom charges are now pending. I was more concerned with his remarks not as they relate to the rights of a witness, but what they might do to jeopardize the Fisher investigation.

Mr. WILSON. Let me answer this way. I knew a number of individuals.

Mr. WALDIE. Hold on just a minute. Well, I have no further questions to ask, Mr. Chairman. I did not know how to handle the situation. I don't understand the Fisher investigation. I don't understand why a congressional committee has to be so concerned about asking questions involving a State inquiry, but apparently the majority of the committee believes that to be the case and I accede to the majority and I will ask no more questions.

Mr. RANGEL. I think that I could clarify this if I just ask the witness whether he intended to name certain prisoners who may be named in a criminal indictment.

Mr. WILSON. No.

Mr. RANGEL. Do you agree that this would not be the proper forum to do that?

Mr. WILSON. I would not name any names.

Mr. RANGEL. That was the only part I wished to clarify.

Mr. WALDIE. With that caution then, I did not get your initial response, you said I gather that a year ago you predicted that what did occur at Attica would in fact occur, sir?

Mr. WILSON. Yes; I did.

Mr. WALDIE. What was the nature of the forum in which you made that prediction?

Mr. WILSON. I had been at Attica since 1966, and —

Mr. WALDIE. Let me interrupt you. Did you make that prediction at a public appearance of some sort?

Mr. WILSON. Yes, sir; I made the prediction while in the structure or at the State University of New York.

Mr. WALDIE. At the university.

Mr. WILSON. And to both students in my classes and other classes and other universities in the area.

Mr. WALDIE. Let us see upon what you base that prediction.

Mr. WILSON. That prediction was based on information given to me by a number of different people who were dissatisfied with the present administration of the prison, who were dissatisfied with the present vocational rehabilitation at this institution.

Mr. WALDIE. Let me interrupt you at that point. Subsequent to your discharge from the Attica institution, did you keep your contacts with the inmates at the institution?

Mr. WILSON. All but the last year when I was placed in a special division of the vocational rehabilitation program, at which time I was, in fact, isolated from the main population.

Mr. WALDIE. I think you misunderstood me.

Subsequent to your discharge from that institution, did you keep up your contacts with the inmates in the institution?

Mr. WILSON. Only those members who came out, who were released.

Mr. WALDIE. And it was on the basis of those conversations with people who had been released subsequent to you, that led you to believe that the situation had become so tense that an insurrection, or revolt, or riot was going to occur?

Mr. WILSON. It was based on that information plus my 18 years of observations of when a prison is running so well.

Mr. WALDIE. I am sorry, I did not get that last sentence. Your 18 years of observation?

Mr. WILSON. As an inmate of one; when a prison is run well, when a prison is —

Mr. WALDIE. That 18 years at Attica?

Mr. WILSON. I spent 4 at Attica, 3 at Auburn, 3 at Leavenworth, 3 at Colorado and was in several juvenile institutions.

Mr. WALDIE. And it was your conclusion that Attica was not running well?

Mr. WILSON. Not at that point.

Mr. WALDIE. At what point are we discussing.

Mr. WILSON. We are discussing the years 1969 and 1970.

Mr. WALDIE. And you were in that prison during these years?

Mr. WILSON. Yes; I was.

Mr. WALDIE. During the time you were in that prison in those 2 years it was your conclusion that the prison was not being run properly?

Mr. WILSON. That is true.

Mr. WALDIE. Yes.

Mr. WILSON. I also voiced this to the warden of that institution in February of 1970, at an open hearing at which assembly I told the warden I felt there was a number of changes that needed to be made immediately and the warden's remarks were he did not agree with many of the things I had to say.

Mr. WALDIE. Were you then a convict?

Mr. WILSON. Yes; I was.

Mr. WALDIE. Now I gather there was a time while you were a convict at that institution with which you concurred in the administration of the institution?

Mr. WILSON. There was a time when I felt that there were going to be some changes made. I came to this institution about 7 months after Mr. Mancusi did. One of the first changes that he made was to place a TV in every yard which had not been there prior to that.

I felt this was the beginning of perhaps at least some new forms of recreation if nothing else. I was hoping that that was going to be a takeoff point to institute some new programs. A year later they began to develop. The DBR unit was a special housing unit for physically handicapped individuals to restore them to productive workload once they have been through a unit like that, however, it was my experience during the next 18 months, in that unit, working as a research assistant, that this particular program was being blocked at every level in terms of implementation of new ideas, new programs, and the bringing in of new and different personnel.

It is on the basis of that that I felt very few changes were going to take place, that what I thought was going to be a start was indeed to become just a status quo.

Mr. WALDIE. Just one final question. Because there are other members of the committee and we are running short of time. Of all the institutions in which you served, which did you feel represented the best development in terms of penology?

Mr. WILSON. My own personal feeling is that the U.S. Penitentiary at Leavenworth, Kans., was probably the best institution I was in.

Mr. WALDIE. Thank you. I have no further questions.

The CHAIRMAN. Mr. Steiger.

Mr. STEIGER. Thank you, Mr. Chairman. Mr. Wilson, I gather it is your view that the riots at Attica, in effect, were justified by the conditions?

Mr. WILSON. Yes, sir; that is my view.

Mr. STEIGER. You felt that the grievance procedures that existed were inadequate?

Mr. WILSON. Highly inadequate.

Mr. STEIGER. Is it your view that it is the responsibility of society through the prison to give the prisoner a new start, rehabilitate him, and so forth, or to protect society from him; which of the two do you think?

Mr. WILSON. I think society in the past decade has reflected both views, and I submit that we cannot be both punitive and rehabilitative at the same time.

Mr. STEIGER. But which do you think we ought to be?

Mr. WILSON. I think we should be rehabilitative. While punitive measures have had their place, if we are sincerely interested in the rehabilitation of an individual then punitive measures must take a second place to rehabilitative procedures.

Mr. STEIGER. Are you telling me that the punitive demands of society are inappropriate?

I will ask you this. Do you think that the law calls for punitive measures when a man breaks the law?

Mr. WILSON. Yes, sir.

Mr. STEIGER. Do you think we should then change that law and is that what you are saying?

Mr. WILSON. No; I said that we are talking in terms of penology. Once a man has been convicted and enters a prison, if our purpose is to—

Mr. STEIGER. But you also made an equation which I happen to agree with, that the punitive and rehabilitative are self-defeating. We can't achieve one and attain the other. Do you think everybody inside of penal institutions is capable of being rehabilitated?

Mr. WILSON. No; I most certainly do not.

Mr. STEIGER. Do you think a majority of the people inside of penal institutions are capable of being rehabilitated?

Mr. WILSON. The vast majority.

Mr. STEIGER. Do you think the presence of those who are not capable of being rehabilitated makes it more difficult for those who might be rehabilitated?

Mr. WILSON. Yes; I do.

Mr. STEIGER. Now, do you agree that we should split those who make it difficult for others to be rehabilitated?

Mr. WILSON. I think there they should be separated. Let me qualify my answer by saying I think there are approximately 10 percent of the men in any prison who have such severe emotional problems that they should be treated, perhaps, not as criminals, but perhaps as mentally or emotionally disturbed people. By the same token I think 10 percent of the general population has that same problem.

By the same token I would say 10 percent of the guard force has the same problem. And if we can isolate that 10 percent of the guard force then I think we can begin to do something with the other 90 percent of the inmates.

Mr. STEIGER. You have a deep resentment against all corrections officers?

Mr. WILSON. Not at all.

Mr. STEIGER. Against one or two?

Mr. WILSON. Yes, sir.

Mr. STEIGER. Do you have a deep resentment against some past employers, one or two?

Mr. WILSON. No; I have no resentment against employers.

Mr. STEIGER. Were you in the military?

Mr. WILSON. Yes, sir; I was.

Mr. STEIGER. There were some sergeants you did not like?

Mr. WILSON. No; for some strange reason I got along fairly well in the military.

Mr. STEIGER. You are one of the 10 percent you are talking about that has problems. You like all of the sergeants you meet?

Mr. WILSON. I did not have any problems in the prison.

Mr. STEIGER. Very smooth man.

How long were you in the Army?

Mr. WILSON. 15 months.

Mr. STEIGER. Never met a sergeant you did not like?

Mr. WILSON. No.

Mr. STEIGER. There were some corrections officers you did not like?

Mr. WILSON. There were. There were some soldiers I did not like.

Mr. STEIGER. Some officers?

Mr. WILSON. Yes, sir.

Mr. STEIGER. The whole point Mr. Wilson, is that, I think you have defined it, there really isn't that much difference between people either inside or outside in terms of overall statistics; is that right?

Mr. WILSON. I would agree with that.

Mr. STEIGER. The articulate prisoner, such as yourself, who obviously is capable of being reached and who is capable of reading and understanding and who is aware, understands how he affects people, he probably is in the majority because he is in the majority on the outside, the guy who can be reached, the guy who can instruct.

Mr. WILSON. That is probably quite true.

Mr. STEIGER. We don't reach him. Would you think it fair to say overall we don't reach them?

Mr. WILSON. That I would agree with.

Mr. STEIGER. One of the reasons you have indicated is the one of problemmakers within the prison population?

Mr. WILSON. What I said was that the reason we are not getting the job done is because we are, in effect, having taken 10 percent of the people and said those are the troublemakers and those are the people we concentrate our efforts on. Not in terms of rehabilitation, or in terms of finding out what their emotional disturbances might be, but in terms of harassment daily, in terms of going around at nights and bending bars and terms in giving those people poor job assignments, in terms of giving those people inadequate education and because we devote that much time to those many people I cannot blame them at all if it is 10 percent.

I can't blame them at all for being upset to the point where they feel that they have to riot. Nobody likes to be oppressed. And it is my feeling that the frustrations coupled with the oppression that goes on in the prisons in this country are enough to make any prisoner riot.

Now I have heard a lot of talk today that Attica has been the reason for Rahway, and some other institutions. I don't particularly subscribe to that idea. I think the conditions are responsible. These are not the only riots we ever had. Attica was not the first riot. We have had bad riots in New York before, Auburn in 1928, Colorado in 1927, so I don't think we can pin it down and say it is Attica.

The type of movement, if there was a movement, that took place at Attica is the vanguard. What I am saying is that conditions like those at Attica exist in the vast majority of prisons in this country and until we recognize the prisons and the corrections is nothing at this point but a patchwork quilt and that we are just applying more patches, and until we recognize that the system does not work, and accept the fact we are going to have to spend money and manpower and bring in some new ideas, we are not going to be very effective. I am sure that none of you, if you own companies, would produce a product, send it to a retailer, and accept 70 percent back as rejects. You would not stay in business very long, you would find another way of doing business.

Unfortunately, we have been doing the same kind of business for 450 years, we have had new innovative programs. What happens to the programs? They are experimental and they last about 3 years and then they become part of the status quo.

One, when it becomes part of the status quo, it is no longer effective. Unless we are willing to continually change and look, unless we are willing to have committees like this investigating not just Attica, but on a yearly basis and everyday basis, until we are willing to accept the views of other people outside the area of penology, and to recognize that there are others who have a great contribution in this field, we are not going to go very far and it saddens me to think, as I mentioned earlier, the only time you see commissions—I think Pappy Wald said it better, the only wheel that gets the grease is the one that is sticky or squeaks. It is a sad state of affairs.

The only time we do something like that either as a State or a Government, the only time we handle the problem is when it becomes acute. We don't look at it before that.

Mr. STEIGER. That happens to be the fact. It is not just prisons, it is schools, and everything else. But no where in the discussions that we have had before this committee, or the committee that went up to Attica, or even with my prior experience and I did some work in Arizona with a group called the Knowledge Seekers, I never met an inmate who said I am responsible for my own destiny.

Mr. WILSON. Excuse me.

Mr. STEIGER. I have yet to meet an inmate who said, "Yes, I am responsible for my own destiny. It is my fault I am here, and I have got to straighten myself out."

A lot of them, if you ask them if they don't think that is the case, they will say yes. It seems to me that is so basic. There is law we have to isolate them from society. And Mr. Wilson, I guess you are the best evidence of this. You are obviously a bright guy and according to this thing you have taken four falls.

Now, it seems to me that somewhere down the road it looks like one of those outfits would have taken, you mentioned Leavenworth was a pretty responsible place, but you went to Attica after Leavenworth?

Mr. WILSON. That is right. I think maybe telling you why I went to Attica after Leavenworth might give you some insight in the corrections, or into our State corrections.

I went to Leavenworth in 1963 for forgery. At which time I had basically an eighth grade education. That education, based on an IQ test and an NST test taken in New York State in 1950 while I was in reform school. I did not do very well in that test but that test followed

me from 1950 to 1963, the result of that test was such that I got a very menial-type job, because on the basis of the score I was a pretty dull individual.

I had limited skills. Each institution wanted to make me either a carpenter, a sheet metal worker, or a laborer. Unfortunately, I did not think that I wanted to be a carpenter, or a sheet metal worker, or a laborer. I was very fortunate in going to Leavenworth because I met an individual and talked to him quite often and he said why don't you take another test. It was a tough job for him to get me to take another test because I had had it with four other institutions.

Mr. STEIGER. Excuse me, is this an inmate or an official?

Mr. WILSON. This was a doctor of anthropology, who is now dean of the department at Tennessee, who came to Leavenworth to teach courses. I did take another examination and on the basis of the examination he convinced me to get in some type of educational programs.

After this I finished high school, I attended a course and got an associate degree while at Leavenworth and for all intents and purposes had a good record. I had been there 4 years, during which time I supported my family as much as I was able to. As I said I finished school, continued my education, read all I could, and made parole.

When I made parole I was encouraged. I returned to the State of New York as a parole violator. I had absconded, which means I had left the State of New York without permission. But I felt going back to New York and having accomplished all of the things that I had done and when I first started this program at Leavenworth I was looking at New York saying there is no way that they will not release me, when they have seen what I have done and the progress I have made.

Then I am sure they are going to grant me parole. When I had that hearing in New York in September of 1966, the board of parole said we are not interested in what you did at Leavenworth only the reasons why you left New York.

And for that reason I was given a year. And at that point I was pretty bitter and at that point I decided our system did not work too well.

Mr. STEIGER. I can understand that, Mr. Wilson. From your knowledge of our other inmates in general, how much recidivism is a result of parole violations such as you described, rather than a new crime?

Mr. WILSON. I would say in my estimation based on the research that I have done, probably 70 percent.

Mr. STEIGER. Seventy percent?

Mr. WILSON. Yes, sir.

Mr. STEIGER. I am sorry; I will relinquish my time.

Mr. RANGEL. Mr. Chairman, I would like to just ask one question, if I may. Did you say that after Leavenworth you were on probation?

Mr. WILSON. I was serving a sentence in New York and was granted parole and absconded and went south.

Mr. RANGEL. Wait a minute. You left Leavenworth?

Mr. WILSON. No. I left New York, made parole from New York in 1959. And shortly thereafter absconded and was again arrested and New York charged me with parole violation.

Subsequently, I came back to New York in 1966 charged with parole violation.

At that point I was given a year.

Mr. RANGEL. I think the Congressman asked you a question that after you found yourself in Leavenworth, you took another fall.

Mr. WILSON. I had taken a fall to get to Leavenworth. I did not take a fall after that.

Mr. RANGEL. How did you get to Attica? For what?

Mr. WILSON. Parole violation.

Mr. RANGEL. For violating Federal parole?

Mr. WILSON. State parole.

Mr. STEIGER. I am a layman so you will have to explain it to me. I have no further questions.

Mr. BRASCO. Mr. Wilson, what we are trying to do here today, and I assume you understand, trying to make some recommendations to make a system that personally I feel doesn't work. I am sure this is the feeling of a number of people, but in order for us to get to that point, there are a number of bridges that we must cross.

I had an opportunity to go through Attica with the chairman and several other members of the committee. I understand from what you said before that in your conversation with certain inmates at Attica while you were there and in relationships that you kept up after you left Attica, that you understood that there was going to be trouble at Attica; is that right?

Mr. WILSON. That is right.

Mr. BRASCO. Well, then, would you, in your opinion, say this was a planned course to create trouble at Attica, notwithstanding what the purpose of it was in terms of achieving something or bringing before the public grievances? In your opinion was that a planned course of action?

Mr. WILSON. Yes; it happened earlier also, it happened in August of 1971, too, but it did not make the papers as much as the last riot.

Mr. BRASCO. And again speaking of Mr. Oswald, who personally I believe is on the right track in terms of reform, he is rather new in this job but that is the impression I got in the short time I had to spend with him, but speaking to a number of these people there, I found out that some of the inmates who were leaders of rioting at the Tombs in New York, and Auburn State Prison, were the leaders of the riots at Attica.

Well, that was a fact. I am wondering whether or not this was a general feeling of discontent among the majority of the prison's population at Attica, or something engendered by a few people who had led riots in other institutions and had been transferred to Attica.

Mr. WILSON. It is my feeling that any riot or any organization needs leadership. Once that leadership is formed then the constituency comes in from people who feel the same way you do, who might not have the voice enough, but who might be as strong as you are, but who are in agreement with what you are doing and therefore acquiesced to what you want to do.

Mr. BRASCO. So what you are basically saying, to the extent that it applies, is that it is a question of leadership taking other people along with them. Is that correct?

Mr. WILSON. Right.

Mr. BRASCO. Would it surprise you if I were to tell you that many people that I spoke to personally at Attica said that they wanted no part of being in the riot per se?

Mr. WILSON. No; it would not surprise me.

Mr. BRASCO. That they were forced into the cellblock or yard D by other inmates who threatened their lives?

Mr. WILSON. That would not surprise me.

Mr. BRASCO. And the reason why I believe it, is that while I understand very clearly, that after the fact people want to, so to speak, cop out; however, a number of these people would have finished their time within a week or 2 and some of them were eligible for parole within a matter of months, so that the facts would coincide with their statements that they were forced into it.

Now I understand that the Attica population is approximately 2,000 or a little bit more, that most of that population could have participated at one point in the riot, but a number of them walked away from the rioting; did not participate.

Would that strike you as being true from your own experience that a number of people did not feel the same as some of the leadership?

What I am trying to find out, Mr. Wilson, and I do so quite sincerely in terms of trying to give the committee more insight as to what happened in terms of getting us on the road to rehabilitation, is whether or not this was a situation where strong leadership, that had provided leadership in the two other institutions, was the factor or was it food and recreation or some of the other things?

Mr. WILSON. I think we are talking about both. Not just in the riot but in any situation where you have a large number of people. There are going to be people with a different view. You find that in politics, strong leadership sometimes wins elections.

Mr. BRASCO. We are not talking about politics. We are talking about people who have committed crimes and who we are trying to help on the road to rehabilitation.

Mr. WILSON. Who also had different views.

Mr. BRASCO. Yes; but ones that have been sentenced. I agree with you 100 percent in terms of our inadequacy in applying the right tools for rehabilitation, but I am wondering whether or not what you are saying is that a small group of them can get together and so inflame and incite some of the other prisoners that we have a riot?

Mr. WILSON. I am not saying that at all. I am saying a small group can in their terms make known to the rest of the population what they intend to do, how they intend to do it, and why they are doing it and find that there are numbers within that population who agree with their basic aims and the reason for doing it.

Mr. BRASCO. Let me say this: I don't want to go astray because I am more concerned really about rehabilitating people than what happened in the past. But a number of people spoke about the judgments that were exercised in the day the storming of Attica took place.

Now, it is my understanding that among the leadership in the negotiations teams in behalf of the prisoners, and it is the impression I got from speaking to inmates, were people who were long-termers, were people who were not only serving in Attica the remainder of

sentences for crimes they were convicted for, but also had indictments facing them for participation in riots in other institutions, and I'm wondering whether or not from your experience those people were the best negotiators in terms of holding out for the last item, complete amnesty, and somewhere along the lines I heard something about going to a nonimperialistic country and a third world country.

I am wondering whether or not that kind of negotiation after the commissioner apparently had agreed to 26 of the 28 demands, the last two being amnesty and the removal of the warden. I am wondering whether or not we are talking about a group of men who are in leadership who are truly interested in reform or something else other than reform.

Mr. WILSON. Well, of course, I can't speak for those men.

Mr. BRASCO. You were there and that is why I am asking.

Mr. WILSON. I do think the people who negotiated on behalf of the inmates were in a sense more sophisticated than some other people. I think they were asking for demands which they knew were unreasonable, especially the two that you just mentioned, in order to gain the other 26.

Mr. BRASCO. The other 26 were agreed on.

Mr. WILSON. I feel strongly that the last two were not negotiable demands, they did not think they were negotiable demands. They would have been withdrawn the next day, the morning of the riot or morning of the assault.

Mr. BRASCO. But you think then that they would have withdrawn them notwithstanding the fact they did not withdraw them?

Mr. WILSON. Right.

Mr. BRASCO. Let me ask you this. Getting back to the rehabilitation which is something that I have been concerned with, what do you think, taking your own case, and I don't like to use you as an example, but after the first time you took a fall, where did we go wrong in terms of your case?

Mr. WILSON. It is very hard to go back that far. I went to jail as a juvenile in 1948, at the age of 12. At this time I went to what was considered the most progressive reform school in the State of New York, called Jefferson Farm School for Boys, at Watertown. It was was closed 5 years later for maltreatment of inmates. During my time there, I was taught how to do woodworking, I was given minimal educational skills, and finally after 2 years at the institution was told I was ready to be halfway released.

They have their own halfway program, own work release program. At that point I was farmed out, went to work for a farmer in a small community at the rate of \$30 a month out of which I bought my clothes and kept myself alive. That is where I think I went wrong, if we are going back to society at large.

Mr. BRASCO. How old were you then?

Mr. WILSON. I was 14.

Mr. BRASCO. You were making \$30 a week?

Mr. WILSON. A month, and going to school full time. I was very unhappy with the entire situation. I would have liked to have gone out and have gone to a few dances once in awhile being a kid like that, to have had some friends, and some time to be with them, but, unfortunately, I had to come home at 4 o'clock and do chores.

Now invariably someone is going to say, well, a lot of kids do this, and a lot of kids live on farms, that is the kind of thing they are used to, that is where they came from, that is their background. I did not grow up in a rural community group, I grew up in an urban community and I had no desire to be a farmer.

Mr. BRASCO. Let me say, I don't mean to be facetious but thank goodness my mother and father are still alive and are healthy enough to work for a living. I worked in woodwork, making garage doors, and toys when I was going to school and to be quite candid I did everything from playing sports on weekends to shooting pool. A 14-year-old kid making \$30 a month, which you did, had an opportunity to get through the system. Does that indicate an unfair reaction toward you?

Mr. WILSON. I think it was very unfair. A dollar a day is not a lot of money in terms of having to buy your own clothes. I did not go to school as other people did. I did not even enjoy the same kind of recreational facilities they enjoyed simply because in terms of money I did not have that kind of money.

Mr. BRASCO. Let me ask you this then. This is something I feel myself from my own experience as an attorney practicing criminal law, the business of the prior record, once you are an adult offender, and you have that first conviction and you were released, when you came out did that play any part in your inability to obtain jobs and your work experience?

Mr. WILSON. Not at that point I don't believe. At that point I was stealing for a living. I was stealing because I needed money and I had no skills and no education, trying to afford me a good living.

Mr. BRASCO. You were stealing for profit pure and simple?

Mr. WILSON. Right.

Mr. BRASCO. Let me ask you this. As a former inmate do you think a system whereby we can take first offenders and I know if we get to multiple offenders the problems become more complicated, but if the public records of criminal convictions were obliterated, would that be of help?

Mr. WILSON. I think it would be of great help. I think that is probably one of the biggest blocks to any man coming out right now.

Mr. BRASCO. What I have in mind and I know that part of the problem is not legislative bodies particularly but the public, who really and truly has a concern about crime, but sings that song, "Your Lips Tell Me No. No. But There's Yes, Yes in Your Eyes" in reverse when it comes to dealing with someone who is convicted of a crime. What I am really thinking of is a kind of program where first offenders who have committed nonviolent crimes might not be prejudiced after their release from whatever sentence they have by the fact that they have been previously convicted.

Do you think that would be a step in the right direction?

Mr. WILSON. Personally I see no need for special legislation for a man with a record. If we truly believed that a man who has finished his time and can come out and start again we don't need special legislation.

Mr. BRASCO. I don't know, from my own experience as an attorney, whether or not the public can handle that. Again, we say we can, but it seems to me as I have indicated before most of the job appli-

cations, particularly those of Government, ask that very question, have you ever been convicted of a crime, and where we get into youthful offenders in which it is not considered a crime we get even more sophisticated by asking have you ever been arrested before.

I am just wondering whether or not that kind of legislation would be helpful in your opinion.

Mr. WILSON. We have similar types of legislation in New York for the first offender which restores certain rights after a year, the right to vote.

Mr. BRASCO. Let me ask this question. If I may jump back for a moment, Warden Mancusi felt that he had identified, and he stated so here, some of the troublemakers and asked to put them in a separate building and I had an opportunity to see the separate building itself, the same as the other buildings in fact, and again I don't mean to be facetious, but it looked in better shape than the others.

Mr. WILSON. It is not used quite as much.

Mr. BRASCO. As the other part of the buildings, but it is exactly the same thing except a separate building and I suppose there is more security there.

But it is reasonable for him to make this kind of a request, if he knew and apparently from the indications he was pretty nearly on target, that some of the people were troublemakers and provided the leadership that you spoke about, that was an important ingredient in the riot. Would that be, in your opinion as a former inmate at Attica, cruel and unusual if the warden has the insight from his experience to detect the fact that there is a kind of leadership that maybe is bent on rioting, or starting a riot, that they be treated in a different way?

When I say that I don't want to again make it sound improper in any way, but treated in the same way as anybody else except in a different part of the prison so they don't have an available constituency.

Mr. WILSON. I think that might be a step in the right direction, but I would be very leery of what that treatment might be composed of.

Mr. BRASCO. I am not talking about any cruel and unusual treatment. I am talking about treating them the same way as any of the prison population but depriving them of the constituency you were talking about.

Mr. WILSON. He might be justified in doing this. I would think the criteria used on that particular individual would not be just the warden's but it would be made up of a group. I am sorry to say I just don't think you can get away from present attitudes.

Mr. BRASCO. Let me ask you this last question.

If you had people who participated in the rioting in Auburn and now in the Tombs in New York, and you observed these people to be potential leaders in another riot in your prison, do you think it would be unreasonable for you to act in that way?

Mr. WILSON. No; if you knew there were people bent on destroying an institution, and who by their general character had shown capability in the past to do that kind of thing, I would attempt to take those people and change that leadership another way.

Mr. BRASCO. Do you think there might be some of those people in Attica as well as in other prisons?

Mr. WILSON. I am sure there is.

Mr. BRASCO. And the 90 percent that you are talking about who are basically those that you feel are capable of being rehabilitated and use those as tools, so to speak?

Mr. WILSON. Yes, sir; 90 percent. I, myself, think that among that 90 percent there are many as I have said before who have very similar views who are not as vocal or dedicated to change.

Mr. BRASCO. Thank you very much.

The CHAIRMAN. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman. Mr. Wilson, I would like to ask you about some statements we have here on your summary, particularly about jobs within the prison. This refers to the metal shop—the Black Hole of Calcutta. Is that one and the same, a nickname?

Mr. WILSON. Yes, sir.

Mr. WINN. And warden's boys, who I gather get favorable treatment, the barber and radio man and people like that who have exclusive cells with carpets and curtains. Can we visit about that a little bit?

Let's go back to the jobs within the prison. I think you have been here all day. It was pointed out a great many men stand around in the metal shop. They can't work on the machines at the same time and so there is a bunch of other guys standing around doing nothing.

Mr. WILSON. This is true.

Mr. WINN. Then they have a procedure they can go through and ask for a reassignment if they want to. They could ask for assignment to classes which we understand were probably full; what else could they ask for?

Mr. WILSON. They could ask to go to work in the mess hall and within the cell halls.

Mr. WINN. Mess hall duty.

Mr. WILSON. Right. They can ask to work any number of places but the problem is there are no jobs available.

Mr. WINN. There is a certain percentage that like the standing around; isn't there?

Mr. WILSON. I would assume so.

Mr. WINN. I suppose a certain percentage of them got in trouble because they don't want to work when they were standing around?

Mr. WILSON. I would not particularly agree with that statement.

Mr. WINN. Well, I mean, sociological studies have shown that unless men keep busy that some have a tendency to get into trouble because they are not busy.

Mr. WILSON. Some I will accept. A small percentage.

Mr. WINN. So if a guy is standing around in a work-shop, a metal shop, and he really does not have any assignment and does not have a machine, if he were so inclined, he could be fashioning a knife out of a spoon or whatever he could get his hands on.

Mr. WILSON. If he would get the use of a machine.

Mr. WINN. So it is a possibility?

Mr. WILSON. Of course.

Mr. WINN. So if we had enough machines, if we had new equipment, if we had enough assignments a fellow could ask for if he did not want to stand around the metal shop, he could go get in a class. That does

not mean those that are assigned to the metal shop might not be more proficient in making knives out of spoons and things.

Mr. WILSON. That is true.

Mr. WINN. So a guy that does want to make a knife—

Mr. WILSON. It does not mean he might become more proficient at his job.

Mr. WINN. By making knives?

Mr. WILSON. By doing the work he is supposed to do. He might be an individual who sincerely wants to learn to do that job, who is interested in making knives and be very glad to be on the machine with the opportunity to learn how to run it.

Mr. WINN. Granted. That is very possible. People who want to make tables or library shelves or whatever could become more proficient and some are. Right.

Mr. WILSON. That is true.

Mr. WINN. All right. If a fellow wants to be a troublemaker and he asks for an assignment to the metal shop, he is not going to have much trouble, really, because there are shortages of help, supervision, and he could probably make himself a knife.

Mr. WILSON. If he wanted to do anything he could probably do it.

Mr. WINN. You heard the warden say that he had asked for additional help several times, and they said they did not have the money, nor the trained employees; do you think additional employees would help that situation?

Mr. WILSON. I think there is an adequate guard force at Attica at this point to control that population. I think this is just for administration, poor allocation of men to certain areas at a certain time and that those men in those areas don't really know what is going on in terms of vocational rehabilitation, in terms of the instructions, and in terms of training.

Now as I mentioned I spent a number of years at Leavenworth which has a very similar population and a very similar industrial complex.

At Leavenworth men do not line up to go to companies, to work, or to chow, they don't need an officer to take them to those particular places. Everything is done on a kind of minimal responsible basis. I am responsible for getting up and eating, I am responsible for getting to work on time, for making my lunch on time and I did not need an officer there every minute to tell me when to do it.

Unfortunately, New York is a security oriented State. And this is the way they operate. Each company that moves in New York moves with an officer. Every man who moves from one part to another does so with an officer bypass, and I think this is a terrible waste of time and manpower in an institution which has a 30-foot wall and which is closed inside that wall.

I think that that manpower that is there now could be utilized much better if we did away with many of the security things which don't really make any difference anyway.

Mr. WINN. You keep referring to, I think you said it two or three times this evening, you keep referring to administration weaknesses, lack of administration in the general category. What do you mean by that, sir?

Mr. WILSON. I am talking about wardens, and top-level administrators. I am talking about from the commissioner of corrections on down.

Now I have heard and I agree in some respects, that Mr. Oswald might like to do some new things.

He came in in January and said that here are some things he would like to do and he was going to do. Today I listened to Warden Mancusi say he needed additional staff, additional equipment, and more money to train these people with. And I am wondering, how does Mr. Oswald implement new rehabilitative programs over Mr. Mancusi's request for additional staff.

I am sure that at this point if there were money available it would go for staff and equipment rather than rehabilitative programs and I think we only have to look at the record in our State for the past 10 years, corrections budgets are the last things to be viewed and the first things to be cut.

Mr. WINN. Now, you have there a manner of priority we don't want.

Mr. WILSON. I suggest that we don't make promises we can't keep.

Mr. WINN. Well, I think we will probably discuss that with Mr. Oswald when he comes before the committee tomorrow as far as his promises are concerned. I don't know he made promises. I understand he told the inmates or got word to them of what he would like to do.

I do want to talk about what additional jobs within the prison do you think can be set up?

Mr. WILSON. My own feeling is that there is very little that you can do at Attica or any institution of that size.

Mr. WINN. Because of the number of people?

Mr. WILSON. Because of the people, the size of the prison.

Mr. WINN. Because of the facilities?

Mr. WILSON. Right.

Mr. WINN. Now, you were at Leavenworth, I am from Kansas. I have been in Leavenworth, they do have some programs where the men are outside frequently; do they not?

Mr. WILSON. Yes, sir; they do.

Mr. WINN. Much more so than at Attica?

Mr. WILSON. That is probably true.

Mr. WINN. I have heard many times from different people that Leavenworth is a good facility, and that they have a minimum of problems out there. Do you think it is because people, inmates, are able to get outside and do some chores, some jobs and assignments outside of the prison walls?

Mr. WILSON. I think primarily because there is a much more relaxed atmosphere at that institution.

Mr. WINN. Among the inmates?

Mr. WILSON. Among the inmates and among the staffers.

Mr. WINN. What is their ratio?

Mr. WILSON. I could not answer that, it has been almost 10 years. I am sorry.

Mr. WINN. Tell us what the "warden's beast" is. The favorite I gather?

Mr. WILSON. All right. There is a very select number of people who work for the warden, who are seen as being the warden's people, who run the radio, who take care of his laundry, his barber who lived at the time I was at Attica in a very special unit which was between those two towers on a block where the tunnel runs through.

You see the peak just going in the A block. There are four cells up there, one of which is a shower room, one of which was used for a kitchen-type facility for officers, and two bedrooms. Both of which were used by inmates. They were much larger than regular cells, they had different beds in them than regular cells, they could have things that the general population did not have.

MR. WINN. Well, obviously other than the fact that they may or may not have more talent in certain fields like a barber or radio control man, they may be good.

MR. WILSON. That is true. That may be true. On the other hand there is a rulebook which states every individual in the institution shall be treated alike.

MR. MANCUSI said on a number of occasions that he tried to run a democratic institution.

MR. WINN. Well now, was this one of the grievances that was brought out? I have not seen the list other than the newspaper.

MR. WILSON. I don't know.

MR. WINN. Some inmates were getting preferential treatment?

MR. WILSON. I don't know whether it was or not. I am just telling you what I had observed during my time.

MR. WINN. Do you think everybody ought to be the same?

MR. WILSON. No; I don't think you can have that that way and I think we ought to quit kidding ourselves that we can run that kind of institution.

MR. WINN. Then I don't understand.

MR. WILSON. I am saying that is the warden's view. I am saying what I told you is the warden's view. He is running a democratic institution. I don't think you can run an institution like that. I think you have to recognize one thing that makes everyone in the institution alike is the fact that they have been convicted. Other than that everyone is an individual and there are individual differences.

Unfortunately, what we seem to do or to think is that we can take a raw product and set it in the front door and then kind of treat it like an assembly line when we are doing that for a number of years everyone has to come out walking and talking alike, it just does not work.

We have proved that it does not work and I think it is time we got off the assembly line and recall there are individual differences in people. They don't want to do the same thing, the kind of people, the kind of things other people want to do.

MR. WINN. Don't you think that every prison, like every Boy Scout camp and every Army post and even in the Halls of Congress and our Member's dining room, have people who gripe about food.

MR. WILSON. I am sure they do.

MR. WINN. Isn't that the sort of thing to do, to gripe about the food?

MR. WILSON. But I don't see any armies and I don't see any Boy Scout troops and I don't see any cafeterias rioting over food.

MR. WINN. That was one of the complaints?

MR. WILSON. At Attica they rioted over food. I don't think you can take, and I hope this committee does not take, one incident and then say that is the reason.

MR. WINN. That was one of the complaints though.

MR. WILSON. True.

MR. WINN. Thank you.

The CHAIRMAN. Mr. Mann.

Mr. MANN. Mr. Wilson, obviously during your course of these last many years you have seen many people leave, seen a good many of them afterward, or you have had reports: what common thread or threads if any did you find in those who made it?

Mr. WILSON. There were a number. I think that I can best tell you by explaining what I do now. I am now employed by the Legal Aid Bureau of Buffalo. It is a program designed to aid the public offender once he is released from the institution and it is based upon my doing several thousand interviews over the years with people who have come back to jail.

And to find out why they fell, why they come back. Were there some things we might be able to correct, as a group; were some things society as a whole could do; just what could we do to keep people on the street. What I found out primarily was that when a guy comes out here he does not feel that there is anybody he can talk to. He is a parole officer usually who he views as an authority, he may have a welfare worker, he may have an employer who is really not in any way related, or has a home he has no rapport with simply because he is new on the job. You don't go in and talk about old scores with your employer. This maybe is the thing he wants to talk about right then and it may be important to him to be able to discuss some of the things that have happened to him in the past.

Some of the things he is experiencing right now, some guys he is having difficulty with. I took those things, job problems, family problems, educational background, lack of a peer group and welded them into the program.

And I said what we are going to do first off we are not going to call ourselves social workers or psychologists or anything else. We are going to be is a group of people aiding another group of people, but we also recognize that they have problems simply because we have been there, and you don't have to visualize what you are going through at this point.

All of the people in my project at this point, with the exception of one, are volunteers. people who come in every day from school, who set down, who at this point are getting familiar with the problems of the offenders, who recognize a lot of our population is penitentiary people, who happen to feel at this point that they are much worse off than the people in the prison, but who are there when a guy walks in. In a number of cases coming from Attica we know the guy is being released and we will go out and pick him up.

We don't have to wait for an hour for a bus. We will bring him to Buffalo and take him through the parole procedure or at least go with him to the parole officer and take him out to see his employer and find him a place to live and have dinner with him and spend the next couple of days with him and handle any problems we can on a final and permanent basis. What I am really saying is we are there and if he has something that is bothering him or something he needs to do, at least he know there are people he can contact, somebody who is interested in him as an individual and wants to see him make it.

That is basically all we do. Now we have had 116 people through our project in 14 months. We have had one kid go back to jail.

Mr. MANN. The community involvement after release then is absolutely essential to a good program of rehabilitation?

Mr. WILSON. Not only aftercare but I think you have to get the community involved in the whole department of corrections. That the community should be involved in the institution, that they should have been part of that decisionmaking body, that they should be able to view their institutions any time they would like to, either individually or in groups.

They should be informed as to what is going on in their institutions, and they should have some say in the way those institutions are run.

Unfortunately, I have heard over the past 10 years that corrections is the job of the correctional department. And although I have heard a number of people solicit community support, when that support is forthcoming the door becomes shut.

For example, graduate students who would love to go to Attica and teach courses on their own time without compensation just to do it because they feel that those people want it and need it, but no one is going there.

Mr. Mancusi said today and talked about all we ever see in our inmates is the failures who come back. In the past year I have offered publicly at least five times to go back to the prison and talk to people about what we are doing and what is available in our area for people going out. I have yet to get an invitation.

So I am saying corrections is not the job of corrections. Corrections is the job of the society at large, the entire community, and I would like to think because we are very close to Attica we should be leading the Nation in this area. We should be opening up a lot of new doors. We should be trying as many alternatives as we can find and listening to as many people with ideas as we can find.

Mr. MANN. The voluntary sectors are likely to lead the Nation, the nature of our agencies, the person, the release that comes to you, they are obviously seeking help.

Now what other agencies might be established within the framework of existing agencies? What do you recommend the parole system do, for example?

Mr. WILSON. Well, what I advocate is the parole department put me out of business because then they will be doing the job they should be doing, because this is part of their job.

This is not another public agency's job. This is the job of corrections. Parole is an aftercare agency and by definition these are the kinds of things they should be doing.

Mr. MANN. All right.

Mr. WILSON. I would like to mention again we are a volunteer agency, and we have \$20,000 potential with a population of 600.

Mr. MANN. So the prison period is important to prepare a man with a skill, to help to give him an orientation before he leaves, to help him with job placement. Beyond that what can a prison do or not do for a man?

Mr. WILSON. Very little I think. The primary thing that I think is lacking at this point in our State is lack of continuity as to what happens in prison and what happens once that man is released.

There is no continuity between corrections and parole.

Mr. MANN. After release is the vital section.

Mr. WILSON. I think if nobody else, prior to release, we could at least give a man some ideas of the areas he is going into, some of the problems he might encounter and at least tell him what groups are available if he does not know, groups other than the parole department, who he may contact. If you take the statistics that were mentioned earlier, 89 percent of the people in our prisons now have been there before and they are people who are familiar with parole and may have a very bad feeling about parole and I say that let's give them at least another agency or organization that might be willing to listen to the problems. That is what we do.

At this point I would like to see it come to the point where parole handles these problems. I think they could do it now. I think it is a matter of reallocating some of the personnel within any division.

For example in Buffalo I think we have 14 or 15 parole officers, each of whom is responsible for a certain caseload totally. What I am saying is I think we could take 30 percent of the officers and form a unit and that unit would do only surveillance and investigation. They would investigate a man's program prior to the time he came home.

They would be responsible, if we were still doing it, to see he was home by 11 o'clock at night. These are very minimal things but I think it would free the other 10 officers who have tremendous caseloads to devote more time in social service activities which I think properly happens to be my division of practice as a social service agency.

The basic philosophy of parole, as I understand it, is that they are there to protect the community first, and the client comes second, and I am saying all right, we can accept that. Let part of this office take care of this responsibility to the community and let the other part of this office take care of the responsibility to the client, and by freeing a majority of those men from having to do the routine paperwork, they can perhaps give some more time to each individual who walks in the office. He then might be able to handle problems in depth.

He might be seen not as a parole officer but as a social worker there to aid them.

Mr. MANN. Thank you.

The CHAIRMAN. Mr. Wilson, I just want to ask you one thing. Assuming the U.S. Government were to pay all or part of the costs, what kind of an agency or organization or program could, in your opinion, best serve these people who are released from prison to try to bring them back into society as responsible citizens who will not commit a crime again.

Mr. WILSON. You mean at the present time, under our present conditions?

The CHAIRMAN. Yes; I mean at the present time. What new programs could be set up that would, in your opinion, more than justify the expense that would be meaningful and helpful in order to help convicts find their way back into society and not become inmates again?

Mr. WILSON. I think programs exactly like mine.

The CHAIRMAN. Well, that is the reason I was asking. I notice your program in Buffalo is funded by the model cities agency.

Mr. WILSON. That is correct.

The CHAIRMAN. That is a Federal program.

Mr. WILSON. Out of 16 we know of one man who has gone back to jail.

The CHAIRMAN. That is a high rate of success, apparently. Do you think agencies like yours if they were available all over the country would have a material influence in reducing the commission of crime upon release from prison?

Mr. WILSON. I think not only reduce it, the rate of recidivism, but I think also it would save a great deal of money. According to the University of Georgia, a study done several years ago, it costs about a quarter of a million dollars to maintain one man in a life of crime, one habitual criminal.

Our program to be fully implemented would be costing about \$119.-000. Now, I don't need to tell you how many people we have to save in a year to save money.

The CHAIRMAN. I see. Thank you very much, Mr. Wilson.

We appreciate your coming.

We will now hear from Mr. Weber. Mr. Weber, at 37, was an inmate at Attica Correctional Facility in September 1971 when the inmates took over the prison. Mr. Weber was paroled on November 8, and will be on parole until 1991. His family in Brooklyn, N.Y., arranged a job for him with a company that does furniture remodeling and refinishing.

Mr. Weber was arrested in 1956 for the first time on a robbery charge, and again in 1960 on a robbery charge. He served time in Green Haven, Auburn, Clinton, Sing Sing, and Attica prisons. He has a high school diploma and was in the service at the time of his first arrest.

By the way, Mr. Weber was one of those who was in the prison at the time of the riot and participated in informing the authorities at Attica about Mr. Quinn having been attacked and I believe helped another inmate in getting him out of the custody of the inmates into the hands of the authorities, so he could be hospitalized; is that right?

STATEMENT OF ARTIE WEBER

Mr. WEBER. Yes, sir.

The CHAIRMAN. And you did not participate in the riots?

Mr. WEBER. No, sir.

The CHAIRMAN. You do not have a prepared statement?

Mr. WEBER. No.

The CHAIRMAN. Will you just summarize what the recommendations you would make to this committee are, as to what might be done at Attica or any feelings that you had while you were there or upon your release which have the influence or the effect of reducing the commission of crime once inmates are released?

Mr. WEBER. Well, they need more programs like the work-release programs they have now. While they are in the institutions they should have more recreation. They are locked in at 4 o'clock and work all day. At Attica there is no real trade you can learn.

You can really learn nothing that is going to get you a job on the street. If you don't have somebody out on the street to get you a job you are going to have a hard time getting a job, and it is pretty hope-

less. I would say that they need more modern shops to train inmates; computers, things that are up to date. They have old machines. If a guy had learned a trade he would not be able to operate new machines. They are all out of date.

The CHAIRMAN. Anything else?

Mr. WEBER. Anything you want to ask me?

The CHAIRMAN. Your family arranged a job for you when you got out?

Mr. WEBER. Right.

The CHAIRMAN. If you had not had your family to get a job for you—

Mr. WEBER. I would still be there.

The CHAIRMAN. You would still be there.

Mr. WEBER. Men waiting 3 or 4 months past the date they are ready for jobs.

The CHAIRMAN. You mentioned the recreation program. Will you tell us again what the recreational opportunities were for the inmates at Attica prior to the riot?

Mr. WEBER. You have about 500 guys in one yard with one handball court, some tables to play cards, and that is it.

The CHAIRMAN. Was any professional in charge of the recreational activities?

Mr. WEBER. No, sir; a corrections officer was in charge.

The CHAIRMAN. Were there any group games, what we call intramural games, arranged.

Mr. WEBER. No.

The CHAIRMAN. So that the various sections of the prison would play one another?

Mr. WEBER. Yes; on a weekend when they are off from work they play softball, on Saturday and Sunday.

The CHAIRMAN. Just what percentage of the inmates participated in the recreational program?

Mr. WEBER. Most of them.

The CHAIRMAN. What could be added that they don't have?

Mr. WEBER. The work, you have nothing to do, you stand in the yard and freeze, no gymnastics.

Mr. WILSON. There are days on end when you can go back and forth to work and never go to the yard. In wintertime, I have seen periods as long as 13 days when you never went to the yard.

The CHAIRMAN. Mr. Brasco?

Mr. BRASCO. Mr. Weber, you indicated to me that there were people in Attica at the time you left who apparently had the green light with respect to parole but they could not get a job. We get back to the question of jobs as being a primary factor in terms of rehabilitation, and whether or not the institution provides any meaningful training for the inmates entering into society in terms of his getting a meaningful job.

Let me ask you this. If we could devise some kind of Government programs where Government and private enterprise got together and went up to the correctional institutions and in some way—I suppose by aptitude test or device of testing, sufficiently to be able to categorize men in terms of their aptitudes—trained them for a specific job waiting

for them on the outside, do you think that could be a long step toward a proper rehabilitation system?

Mr. WEBER. Yes, sir; I do.

The CHAIRMAN. The question of work.

Mr. WEBER. Yes. If you take a man that goes home with like you say \$40 and a suit, now, you mentioned that today, that man, take him and put him on the street in New York City or Buffalo, any big city, and say he has not got a family. He is out there on his own, he is stuck.

Let's say he really means well, he does not want to steal. This man goes looking for a job and makes out an application and they are not hiring, so now what happens? The man keeps trying; \$40 runs out; what is the next step?

Mr. BRASCO. I agree with you, I think we are living in an "Alice In Wonderland" type of atmosphere where we think that fellow who is an inmate has a family waiting for him with open arms at the time he is released. I suppose one of the most unhappy and unfortunate situations I had was when I had the occasion as I indicated, to re-prosecute an individual who was such an individual. He got out of the prison with a suit and I think something like \$20 after doing 7 years for robbery. I think he was out on the street less than a month and I am sure that part of the problem was no job and running out of money and then doing what he knew how to do best, to survive. My own personal belief is that I don't think it is so much what happens on the inside. I sincerely think that if a man feels that when he gets out of there so to speak, a new baptism, and he really does have that first bite into the apple of rehabilitation, that we get a different picture, and that is why I am convinced that we have to do something about this prior-record business and we do have to do something about a continuity as Mr. Wilson said between the time a man is released from prison and what is going to happen to him in terms of followup.

A job and guidance, once he hits the street.

Mr. WEBER. I think if we can put that continuity together, the food, while it might not be the best, becomes insignificant. That the man understands and appreciates that he has truly got a crack at changing his life.

Mr. BRASCO. You did not participate in the riot from the chairman's description?

Mr. WEBER. No; I did not.

Mr. BRASCO. There was a lot of talk about the judgment, and I don't really want to get into the judgment of people's actions about what they did or did not do in terms of what happened, but to the best of my recollection after being on the scene, there had been indications that one guard had died. He was released because of injuries he had received inside, and one prisoner was practically sodomized to death; another inmate had been released after he had some gasoline poured down his throat.

These things were I suppose caused by personal grievances among inmates. In your opinion, from being there, was the mood of the inmates at that time one that was bent on doing away with the hostages?

Mr. WEBER. Well, my personal belief is I don't think they would have killed the guards.

Mr. BRASCO. But there were three inmates killed at least?

Mr. WEBER. Yes, sir.

Mr. BRASCO. And one guard was killed?

Mr. WEBER. Yes, sir; but he was not killed, like he was killed by accident. They gave him a beating and he did die but I don't think they intended to kill him.

Mr. BRASCO. The inmates were a different case?

Mr. WEBER. The inmates they killed.

Mr. BRASCO. Let me ask you this. Again getting back to the other areas of why men do the things they do. Do you believe personally that this was a planned situation?

Mr. WEBER. That is where I disagree with Mr. Wilson. In fact it could not have been planned.

Mr. BRASCO. OK. Let me ask you this. As an inmate would you say it was fair to say that some of the leaders in the Attica riot were leaders in the Tombs?

Mr. WEBER. That I don't know about.

Mr. BRASCO. Do you think that getting along the line of the statement of Mr. Wilson, that I suppose he indicated that society in general has a factor in which x percent of its population represents different kinds of problems, not only in terms of rehabilitation in the prison setting but in terms of functioning in life in general.

Assuming there was a 10 percent factor in institutions that were hell bent for any number of reasons on doing the wrong thing at the wrong time, would it be cruel treatment to separate them from the general population?

Mr. WEBER. I can't see 100 men running 1,000 men; that is like one running 10.

Mr. BRASCO. You have to move the bad apples.

Mr. WEBER. This is just my opinion.

Mr. BRASCO. You agree basically with that? As long as both sides are treated humanely?

Mr. WEBER. Right.

Mr. BRASCO. I was told while we were at Attica that 60 percent of the time was spent inside the cell and then I got the distinct impression that was because certain numbers of prisoners were security problems so what they did was to devise a security situation for the most difficult problems and saddled everyone else with it. Was that the case?

Mr. WEBER. No; the whole prison is locked up at 4 o'clock.

Mr. BRASCO. That is what I mean because of the most difficult security problems.

Mr. WEBER. Yes, sir; I would say so.

Mr. BRASCO. Let me ask you this. Something that disturbs me and I am sure it does both of you is the administrative sentencing for parole violations. Now Mr. Wilson said that he had left New York and he went back to prison for a year for leaving New York. Is that right?

Mr. WILSON. Yes, sir.

Mr. BRASCO. How long were you gone from New York?

Mr. WILSON. I left in 1959 and I was returned in 1960, I am sorry, I left in 1958 and I was returned in 1966.

MR. BRASCO. When you say you were returned, you were apprehended and returned?

MR. WILSON. No; I was returned from Leavenworth to Attica.

MR. BRASCO. In other words, after you left from the parole you were——

MR. WILSON. After I absconded I was convicted in Colorado and convicted by the Government.

MR. BRASCO. They put a hold on you at Leavenworth and brought you back for parole violation?

MR. WILSON. I just served 8 years and they gave me——

MR. BRASCO. I am familiar with that.

How would you handle that kind of thing, either Mr. Weber or Mr. Wilson, so that we could get something that does the job in terms, as you put it, of guidance, lets the individual understand the difference between responsibility and lack thereof?

I agree with you that a fellow driving an automobile when he is not supposed to be driving an automobile in my own humble opinion is a nonsensical reason to put him in the can again. What would you gentlemen recommend in connection with that kind of a thing, something which is responsible and effective?

MR. WILSON. I think we have to recognize the men coming out of jail have a great many problems anyway when he first gets home. Then on top of those problems placing another 16 restrictions upon him, a lot of which are regulated by the State, is ridiculous.

He, for example, can't own a firearm. You don't have to put that on a list of rules for me. Because I am home. I also recognize that I have responsibility to be at work in the morning. So you don't have to tell me what time I have to be home. The one rule that used to gripe everybody and still does at the particular point involves morality. I don't think the law dictates morality and I think we try to do this with parole rules when we tell people you must have permission before you can marry and you cannot stay overnight with anyone who is not your lawfully wedded wife. I think they are trying to dictate morality.

We want this man integrated back into society at large. If we are going to accept the fact that he might want to act like people in the society at large——

MR. BRASCO. I agree with you. I think we are fighting against the wind if we want to stop people doing what comes naturally as long as we are not talking about commission of additional crime.

Would you say that there must be some violation of parole if the man does not show up at work the next day. You understand what I am talking about, to get a responsible correlation between the two.

MR. WILSON. That is what I think we need. I think we can't treat everyone on a blanket curfew.

MR. BRASCO. I agree with you. But what do you do if he does not show up for work? Would that be cause for violation or at least some reprimand?

MR. WILSON. If he did not show up for work, as a parole officer I would be concerned and I would want to know why. I would go and try to find him and talk to him and see why he did not show up for work. Was he drunk the night before? Was he sick? Was there a legitimate or illegitimate reason?

Mr. BRASCO. What you are basically saying is there should be no rule in terms of violation of parole unless there is another crime committed, but the behavior of the inmate while he is on parole should be subject to the perusal and scrutiny of the parole officer who is able to, not catch him so much in violation, but to specifically assist him in getting over the hurdles.

Mr. WILSON. I am saying we can do away with the technical rules at the point and the only rule for parole violation would be commission of another crime.

Mr. BRASCO. Thank you.

Mr. CHAIRMAN. Mr. Steiger.

Mr. STEIGER. Mr. Weber, do you think that a furlough process where an inmate may earn enough good time while doing his time so that he could have 2 days off or 3 days off, would have any possibility of being successful or would too many guys skip?

Mr. WEBER. Well, certain guys you can't let go. You have to screen them and you have to pick out the ones you feel will cooperate.

Mr. STEIGER. Do you think you could identify the ones who would not skip?

Mr. WEBER. Yes, sir.

Mr. STEIGER. How about if you could have visitation from your wife and your girlfriend and be able to spend some time in private with them as they do in some countries, again on the same basis that you earn it because of good behavior, would that have a responsible chance of success?

Mr. WEBER. Sure it does and it would certainly save a lot of homes from breaking up.

Mr. STEIGER. Thank you.

You mentioned the job a parole officer has, parole as being a big incentive now. If you had a furlough structure that was tied in with jobs, you could increase the length of the furlough as the man's time reached its end and he could spend some of the furlough looking for work on the outside. It would be obvious to the employer that he was a good risk because they were letting him go look even though he still had time to do.

Would that tend to minimize the tensions within the prison?

Mr. WEBER. Yes, sir. But part of the job of looking for jobs is, let's face, reality. For example, I have a business and you, an ex-convict, come to me for a job and fill out the application. I look at your conviction and I have people out here that are unemployed now and they are not ex-convicts. Why should I hire you?

This is what it basically boils down to.

Mr. STEIGER. On the other hand, I know there are local programs that are successful in placing ex-convicts where the employers know before they apply for a job, and where they have been screened by people that the employer trusts and that there are devices for doing this very much in the manner Mr. Wilson's organization described.

Mr. WILSON. Why should it make a difference?

Mr. STEIGER. Mr. Wilson, it makes a very relatively real difference and if you are telling your people when they come out that they are not different you are doing them a great disservice because they are different.

Mr. WILSON. I am not saying they are not different, I am saying why should it be different?

Mr. STEIGER. Why should it be different for an ex-convict and for somebody who has not done time?

Mr. WILSON. If corrections has done their job and I am rehabilitated and I am ready to proceed, return to society, why should it again make any difference?

Mr. STEIGER. There is no evidence you have been rehabilitated and you can't point to a single inmate and say this man is genuinely rehabilitated.

Mr. WILSON. This is precisely the point, either the corrections at the point—

Mr. STEIGER. Of course they can't. We recognize that and why they have to be treated differently. If you want to, if you think you can come up with something profound because the corrections system has failed that is one of the reasons we are having the hearing.

Mr. WILSON. We have it in a catch-22 situation.

Mr. STEIGER. I have no further questions.

The CHAIRMAN. Mr. Mann.

Mr. MANN. Mr. Weber, on August and the first week in September of this year, immediately prior to the riot, there was certain unhappiness and grievances among the prisoners. Did you share that unhappiness?

Mr. WEBER. Yes, sir; I do a lot of things 100 percent. A lot of the things they wanted, I agreed with.

Mr. MANN. Were those things some of the things on the list you agree with, were those things a matter of common discussion among the prisoners prior to the time it firmed up with the riot?

Mr. WEBER. A lot of this was not discussed. Many times a few inmates would talk about we should have this and we have not got it but mostly general conversation.

Mr. MANN. Mr. Wilson, what is your feeling as to the idea of conjugal visits?

Mr. WILSON. I am firmly against conjugal visits.

Mr. MANN. Why?

Mr. WILSON. I think it is degrading to the individual who has to come to the prison. I think it is much more realistic to talk in terms of furloughs because now we are able to deal with the single and the married men.

Mr. MANN. Okay.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Winn.

Mr. WINN. Now do you basically agree with Mr. Wilson as far as the philosophy of this program for inmates when they get out?

Mr. WEBER. Yes; I do.

Mr. WINN. Basically you agree with that philosophy. You did not participate in the riots even though you agreed with many of the complaints that had been made?

Mr. WEBER. Yes, sir.

Mr. MANN. Why didn't you if you agreed with them?

Mr. WEBER. Well, first of all, it was a riot, started, just broke out, spontaneous thing. I had no idea then what they were going to ask. I read this afterward and I am telling you I agreed with a lot of things

they asked for, but at that time I did not know what they were going to ask for. And on top of that when this riot broke out I did not want to—I was on a parole board 1 week, I wanted to go home.

Mr. MANN. So you had a lot at stake.

Mr. WEBER. Yes; I had my whole life at stake.

Mr. MANN. And lots of the other men that were forced to participate had basically a lot at stake, too?

Mr. WEBER. That is right.

Mr. MANN. And you honestly think a lot of those men were forced to participate?

Mr. WEBER. Definitely.

Mr. MANN. No doubt about it in your mind?

Mr. WEBER. I was right there.

Mr. MANN. And you know they were forced even though they were going against their own will?

Mr. WEBER. That is right.

Mr. MANN. But you think that the riot was spontaneous, it just exploded?

Mr. WEBER. I saw it explode, I was standing there in the hallway.

Mr. MANN. I mean you were at the place of the explosion and you don't think there had been months or days of planning on who does what and who becomes an executioner and all that; you don't think so?

Mr. WEBER. I say no to that because for one reason in any prison, as Mr. Wilson can tell you, when something is going to happen you hear rumors; you hear rumors, they get around. I have been there for the last 6 years and I was working in the block where the riot took place and if something was going to happen I would have heard about it.

I was more surprised than anybody else when it happened.

Mr. MANN. There is that good a rumor mill around the prison?

Mr. WEBER. Yes, sir.

Mr. MANN. How do you differentiate between rumors and fact, because I would imagine like any group of men around whether it be Army or what there are rumors and you have to figure out what is really a rumor and what is going to be fact.

Mr. WEBER. You have to take it from the source you get it from.

If somebody I trust tells me something I will put a little faith in it.

Mr. MANN. Then we talk about the source. Maybe you would not be on the inside of a group of those that are doing the planning.

Maybe it is a very close knit group, two or three; you don't think they can keep it a secret that long?

Mr. WEBER. It is very hard to keep secrets in a penitentiary.

Mr. MANN. Obviously, today, we have had a disagreement of whether this was a planned riot or whether it just exploded. You are the only one so far who felt it exploded, but I think you are being honest with the committee.

What would you do today as far as job training? We have had complaints. I think Mr. Wilson said they taught metalwork, they taught carpentry, I believe, was one of the things he stated at Leavenworth?

Mr. WILSON. They had maintenance crews on a number of different jobs.

Mr. MANN. You know, I was in the construction business before I came to Congress. Practically everything that you mentioned there is

a great need for that all over the Nation, and Washington is a good example of the shortage in practically everything. So I would hate to see the men in prison turned down on jobs that pay up to \$6 and \$7 an hour even though they might be glamor-type jobs, light carpentry, and masonry work.

Mr. WILSON. I have a number of men in Buffalo right now who would be happy to have those jobs and if you can convince your local unions to hire those kinds of people without apprenticeship cards I am sure they would be glad to come here.

Mr. MANN. Coming up to the management side I don't have too much. I have not gotten along too well with the construction unions and they are tough.

Mr. WILSON. That is one of our biggest problems by the way.

Mr. MANN. I understand that. But I again happen to be an employer who did hire two ex-convicts and my batting average out of 450 men was not too good for those two. I was one for one. One was great and one stole all of the stuff out of the model home about 6 weeks after we hired him.

That does not mean that we would not hire him again——

Mr. WILSON. You are doing better than the national average.

Mr. MANN. Is that the national average? OK. Mr. Chairman, thank you.

The CHAIRMAN. Mr. Rangel.

Mr. RANGEL. Who was the inmate who assisted you in carrying out Officer Quinn?

Mr. WEBER. It was no inmate.

Mr. RANGEL. Who was the person named Clark—was there someone named Clark?

Mr. WEBER. That is Richard Clark, he let me take him out.

Mr. RANGEL. You discussed the condition of the officer with Richard Clark?

Mr. WEBER. I told Richard Clark I think that man is dying, better get him out of here and he said to take him out.

Mr. RANGEL. And you had several jobs within the institution? What were the conditions that existed in the commissary?

Were you able to get things you wanted?

Mr. WEBER. The commissary is a joke. They sell you spaghetti and you can't cook it and they sell you drip coffee and you need a coffee pot to make it on a stove. They lock you up for making a stove.

Mr. RANGEL. You have had opportunity to discuss this with the warden, haven't you?

Mr. WEBER. Discuss it with the warden? You are joking.

Mr. RANGEL. I know everybody has been saying kind things about Commissioner Oswald. Did you have any opportunity to discuss the conditions in the prison with the warden? Was he available to discuss these matters?

Mr. WEBER. The warden, he does not want to hear about that.

Mr. RANGEL. Well, obviously, if you had indicated that the commissioner had come down and told you that certain improvements were going to be made; didn't the warden support this?

Mr. WEBER. You never see the warden. The warden very seldom sees the inside of the prison.

Mr. RANGEL. Didn't you hear the warden say many men came back and thanked him for the interest that he took in the case?

Mr. WEBER. You heard him.

Mr. RANGEL. Will you answer me the same way if I tell you that the warden had told me that he received a letter from him and he treated him like a father?

Mr. WEBER. I did not know any inmate that ever wrote him a letter about treating him like a father. I find that hard to believe.

Mr. RANGEL. I gather from your answer there was a lack of confidence placed in the warden at Attica?

Mr. WEBER. The warden probably could be very good, maybe. He just does not relate with the man. If he walks right in the prison and walks in the yard and socializes with you the men respect him. The warden does not want to talk to you. He is too good to talk to you and the men hold that resentment.

Mr. RANGEL. There are other officers below the warden level that do have respect of the men?

Mr. WEBER. Deputy superintendent, deputy warden, all of the men respect.

Mr. RANGEL. Isn't it possible if the warden walked out among the men they would grab him as a hostage and have a quick explosion?

Mr. WEBER. It certainly is. The deputy warden walks every day and they could just as soon grab him but they don't.

Mr. RANGEL. Isn't it a fact that if the prisoners make up their minds they are going to grab a guard they can grab them at any time?

Mr. WEBER. They can grab them at any time they want.

Mr. RANGEL. Have you been in institutions where the warden walked freely with the men?

Mr. WEBER. Auburn Prison, Warden Murphy, the best warden in the world. He would come out in the yard and sit down and play cards with you.

The CHAIRMAN. Mr. Weber, I have heard that the three inmates who were killed were killed because of certain activities of which they had been personally engaged. Was that true or were they killed because they did not go along with the riot?

Mr. WEBER. That I could not answer.

The CHAIRMAN. You don't know?

Mr. WEBER. I don't know.

The CHAIRMAN. Mr. Brasco?

Mr. BRASCO. I wanted to ask of Mr. Weber something I asked of Mr. Wilson, with respect to those men who were negotiating in behalf of the inmates. Do you think that reflected the general will of the population when they turned down 26 of the 28 demands that were accepted in writing by Commissioner Oswald or do you think that at that time and point they were holding out for things that might have been peculiar to them such as the fact they were long timers, and might have had other cases pending against them because of involvement in other correctional institutions?

Mr. WEBER. I will answer that question. I think out of 1,200 guys in the yard 900 or 1,000 wanted to come in.

Mr. BRASCO. And there were just a few holding them out.

There was a civilian negotiating team that came in. From your own personal opinion, do you think that team was helpful in trying to bring this to a successful conclusion or do you think otherwise?

Mr. WEBER. I think otherwise.

Mr. BRASCO. Otherwise. Why do you say that?

Mr. WEBER. I had better not talk about that. It is a personal opinion.

Mr. BRASCO. I don't want to put you on the spot. The reason why we are here is to try to find out not only in terms of what we can do in rehabilitation, but what if anything we can learn in order to devise a model procedure in the event that this happens again.

I have heard in speaking to inmates at Attica, statements similar to what you indicate, that the civilian negotiation team that went in to help things out was not as effective as they indicated in the media as they were coming out.

And that is the only reason I ask, not to put you on the spot. I will ask you once more and if you think you can answer it, I am sure the committee would like the benefit of your thinking as to what went wrong with the civilian team?

Mr. WEBER. I will say this, if there were not certain individuals on this committee the whole thing may have been settled.

Mr. BRASCO. If there were not certain individuals on the committee?

Mr. WEBER. Not on the committee.

Mr. BRASCO. You feel the civilian committee was a hampering factor?

Mr. WEBER. Not all of them.

Mr. BRASCO. Some of them.

The CHAIRMAN. Thank you, gentlemen, for your coming and especially I want the record to show that we thank the reporter for his long suffering and cooperation with us today.

We will adjourn until 9:45 tomorrow morning.

(Whereupon, at 8:15 p.m. the committee adjourned, to reconvene at 9:45 a.m., November 30, 1971.)

AMERICAN PRISONS IN TURMOIL

TUESDAY, NOVEMBER 30, 1971

HOUSE OF REPRESENTATIVES.
SELECT COMMITTEE ON CRIME.

Washington, D.C.

The committee met, pursuant to notice, at 10:15 a.m., in room 345, Cannon House Office Building, Hon. Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Waldie, Brasco, Mann, Murphy, Rangel, Wiggins, Winn, Sandman, and Keating.

Also present: Joseph A. Phillips, chief counsel; Michael Blommer, associate chief counsel; Christopher Nolde, associate counsel; and Leroy Bedell, hearings officer.

The CHAIRMAN. The committee will come to order, please.

This morning we resume our hearings with the testimony of three members of the Attica Observers Committee who took part in efforts to negotiate a settlement during the inmate rebellion last September at the Attica Correctional Facility.

Our witnesses are State Senator John Dunne, chairman of the New York State Senate's Committee on Crime and Correction, and a crusader for many years for the cause of prison reform. By the way, Senator Dunne was with our committee when we had our 1½-hour meeting with Governor Rockefeller in New York on our way to Attica.

State Assemblyman Arthur O. Eve of Buffalo, who contributed substantially to the efforts to negotiate a settlement of the Attica disturbance; and Clarence Jones, publisher of the Amsterdam News, who I had the pleasure to meet personally during the committee's trip to the prison shortly after the rebellion was quelled.

Both the inmates and Gov. Nelson Rockefeller submitted names for the Observers Committee which ranged at times from 15 to 30 people, including attorneys, representatives of groups, newsmen, legislators, and community leaders. These members of the Observers Committee had considerable and sustained risk to themselves and made frequent incursions into the prison, among the inmates, participating in the negotiations and the deliberations, and I am sure they deserve a commendation for their sincerity and the objectivity of their efforts to find a way to a satisfactory reconciliation of the dispute.

We are particularly pleased to have as our first witness today State Senator John R. Dunne. Since he is a longtime friend of our distinguished colleague, Mr. Charles Rangel, I will ask Mr. Rangel if he will be good enough to introduce Senator Dunne.

Mr. RANGEL. Thank you. On behalf of the Chair and the committee I take this opportunity to welcome to the House Select Committee on Crime, State Senator John R. Dunne, a long-time friend and worker

in the New York State Senate. While he has distinguished himself in many legislative fields I think it is common knowledge that the area of prison reform certainly has helped him acquire a national reputation. I think it is significant that when this country is going through a great deal of racial tension, especially as indicated in the uprisings in our institutions, that the prisoners of Attica saw fit to include Senator John Dunne among the first persons that they would want to see on a negotiating committee. So on behalf of the Congress and more particularly this committee, Senator Dunne, I thank you for taking time out from your legislative responsibilities to meet with us.

The Chairman. Thank you very much, Mr. Rangel.

We will ask Mr. Clarence Jones if he would be good enough to join Senator Dunne at the time and constitute with the Senator a panel here today. We will call on Mr. Rangel, his friend and admirer, to introduce Mr. Jones.

Mr. RANGEL. When you get to the publisher and editor of your local newspaper I think you should have a prepared statement. However, I think that the bravery that was displayed by Mr. Clarence Jones in entering an unknown situation and having the courage to bring the facts to the prisoners, rather than to just indicate what they wanted to hear, indicates that this is a person who goes far beyond the headlines which he could very well have acquired elsewhere. But he attempted with all of the vigor and energies which he possessed to save lives. I think it is significant that he would spend so much time at his own expense working with the Governor of the State trying to bring about some reason, some harmony, to a very bad situation. Again on behalf of the Chair and the committee, and the entire Congress, I welcome Mr. Jones' appearance here this morning.

The CHAIRMAN. Thank you, Mr. Rangel.

Gentlemen, this committee is charged by the House of Representatives to investigate all aspects of crime. I am sure that is a familiar subject to the distinguished senator from New York who has been engaged in this endeavor in a very important way for a long time in his State.

We also are specifically charged by the House of Representatives in the resolution recreating this committee—House Resolution 115—to examine "the treatment and rehabilitation of persons convicted to crimes," which brings the matter of Attica and similar institutions within the focus of our committee. We are primarily interested, as you will observe from those two statements that I have made, in the relationship between conditions in the institution, treatment and rehabilitation of people who are inmates there, and their relationship to the commission of crimes by those people thereafter. What we are concerned about is how we can reduce the appalling volume of crime in this country.

Now, anything that will pertain to those subjects out of the experience that you gentlemen had—causes leading up to the conflict, what lessons ought to be learned from Attica to prevent the repetition of such tragedy, what can be done to prevent the high rate of recidivism that we have from all of the penal institutions of this country today—is a matter of primary concern with us.

Senator Dunne, suppose we call on you for such opening statement or generalization as you would care to make.

PANEL OF THREE MEMBERS OF ATTICA OBSERVERS COMMITTEE:
HON. JOHN R. DUNNE, A STATE SENATOR FROM THE STATE OF
NEW YORK;
CLARENCE JONES, PUBLISHER, THE AMSTERDAM NEWS; AND
HON. ARTHUR O. EVE, STATE ASSEMBLYMAN FROM THE STATE
OF NEW YORK

Mr. DUNNE. Thank you, Mr. Chairman. Congressman Rangel, thank you for your warm introduction, and members of the Select Committee on Crime.

First, may I express my appreciation for your invitation to come here and to testify before this committee. My reaction to your letter of invitation was it had been misdirected because in the third paragraph of this letter it said each witness will only give testimony in relation to his particular area of expertise. Let me set the record straight, Mr. Chairman, at this point I don't claim expertise in anything except maybe expert in failing to, in trying to bring about some kind of reforms in our correctional system in New York State.

But on a serious note—

The CHAIRMAN. You made a valuable contribution, as we heard the Governor say.

Mr. DUNNE. Well, you are kind to repeat that but I hope we will be able to work together toward a successful conclusion.

Actually the principal reason I am here today is not only because of your generous invitation but because of something which occurred in D block yard when we, Clarence Jones and myself, and the other members were attempting to negotiate a settlement to that misunderstanding there. And at one point Senator Robert Garcia and I were sitting together with a couple of members of the negotiating team and we inquired of a young Spanish-speaking inmate as to what the logic was or what the reason was for demand No. 4 to place the Attica institution under Federal jurisdiction. And this young fellow looked at us and he said, "Well, at least in the Federal institutions they call you mister." While it was a simple statement, it seems to me to have summed up pretty much the difference between the attitudes of the Federal, and I am frank to admit more enlightened attitude of correction than what we have seen in my own State and in States across this Nation.

If I may direct my attention to what I consider to be a single most important problem facing corrections today, and particularly as it was highlighted in the Attica incident, is that matter which appears in this very well prepared topic outline for the committee, and I as one who has had the privilege of chairing committee hearings recognize the tremendous work that staff places in preparing for this, this outline that they have prepared, item Nos. 2, 3, D, and E, relating to the personnel who are in our institutions. And I concur in the view which was expressed by the Joint Commission on Correctional Manpower and Training in 1968, that the greatest single need in corrections today is the training of correctional personnel, particularly the corrections line officer. And I think that it is unimportant whether or not we refer to them as correction officers, as guards, as rehabilitation specialists, but I think it is equally important, though, to recognize that these men and women who are serving in this very difficult role are not

senseless brutes, they are not as some have tried to portray them, as people with no feeling whatsoever. I think basically the problem with our correction line personnel today is that they are insensitive to and unaware of their responsibilities, and let me say at this point that I do not believe that they are to be blamed for their failures.

We see a corrections system which claims that it has a threefold responsibility. First, to punish by holding the inmates within a secure facility; then, second, to correct; and then, third, to rehabilitate. But whether it is the tradition of the State of New York, a tradition which is based on repression and depression, repression of the twenties when we had a great outburst of crime and a series of prison riots across the country, resulting in a public attitude that we must be tougher on inmates, or whether it is a result of the depression where we had a problem caring for violators and offenders and wanted to do it in the most economic fashion, we find today in New York State a system which needs help, a system which is still geared to the 1920's and the 1930's. It has large penal facilities such as those at Green Haven, Attica, Dannemora, and Auburn, but also in their programs which are geared to the problems and the personnel of the twenties and thirties; and whether it is health, when today we find that 60 percent of our inmates were actively using narcotics prior to admission, we have no program for narcotics addicts in any one of our State prisons; whether it is education, what with the increased technological demand on each one of us, the only requirement in New York State prisons is that an inmate attain a fifth grade or borderline literacy level of accomplishment; whether it is in the area of religion, whether the traditional religions are recognized, but unfortunately we don't recognize the population in our prison today is devoted to other religions, and who of us in corrections is to say which is the true religion—there doesn't seem to be accommodation for the Muslims and other religions; and whether it is our vocational programs whereby we train people to go in the building trade or go into the textile mills, opportunities for employment which do not exist on the outside, or whether we take an attitude as recently expressed to your Select Committee on Crime, expressed by the warden of Green Haven Prison only last week when we visited with him and when he was asked how in the 1970's is a prison farm appropriate to the needs of inmates and the opportunities for employment on the outside.

He said basically this: That our farm is the best program we have, it is indeed the best way of having a halfway house, and it is the best steppingstone back to society.

I ask you gentlemen, not just Congressman Rangel, how can you envision a farm being a steppingstone back to Amsterdam Avenue and 135th Street? It is this type of thing which has been generated from the top not only in New York State but elsewhere.

And so I don't fault the correction officer. I don't say we should have a man with a college education, but I think that we have got to recognize we must work with what we have.

About 75,000 correctional personnel are working on the line in our prisons across this country. Approximately 95 percent of them are white. And that figure runs pretty true for New York State, despite the fact that the population in New York State prisons is over 50 percent black, and in addition to that a large number of Spanish speaking.

One of the real problems is that of these line officers, only 25 percent of them are under the age of 35. We are failing to attract people to corrections, and one of the leading causes for leaving corrections among people is the lack of opportunities for advancement. And we know further that the profile of the correction officer shows that he has barely more than a high school education. In fact, only about 25 percent of the line officers have any kind of training beyond high school.

What I am looking to you to do is to help the State of New York. I am not here to leave the problems of New York State and return home because I don't personally believe in that, but I am hopeful we can work in concert, working in concert to address ourselves to a problem which has been described by the American Correctional Association in its October 1970 report in its attempt to analyze the causes for riots and disturbances in correctional institutions, where they say that many of the causes for riots and disturbances in correctional institutions stem directly from the lack of staff training and experience in adequate professional standards and conflicts of philosophy and goals of the overall staff of the institution.

And in the spring of last year, the Director of the Bureau of Prisons observed that the criminal justice system, of which corrections is only one element, is part of a changing society earnestly seeking new value systems and new priorities; and in listing his priorities, his priority which was second only to that of trying to get away from the traditional institutional confinement, was to improve the correctional staff through development of careers that will attract and retain qualified personnel by offering purpose, challenge, reward, and opportunity for continuous personal growth and satisfaction.

So I come to you and in asking for your help in an extension of what Congress has already expressed to be its purpose, to strengthen and improve law enforcement efforts at State and local levels of government. You have already, under section 303 of the 1968 Safe Streets Act, given the LEAA authority to approve comprehensive State plans which conform with the purposes and requirements of that legislation, not what you have done with regard to the matter of training. You have made specific provision for the purpose of making loans available for people involved in corrections or considering corrections as a career, to obtain education at institutions of higher learning. It is a good start. But I submit to you, gentlemen, that where we need to concentrate today is in the area of training, the line officer, the fellow who may one day become a sergeant or he may end his 30 or 35 years of service still as a correction officer on the tier taking care of inmates, taking them from the mess to their cells and to work assignments, but what we have to do is try to make the correction officer a truly effective instrument.

In my judgment, he is the most important individual in the whole system of corrections.

We have failed in New York to meet this challenge. In New York State in the 1930's, we had one of the finest correction officer training programs. But if you think the budget cuts of 1971 in New York were stiff, they were even tougher in 1939, and the legislature in its infinite wisdom discontinued this training program, and from then on we have had nothing in the way of correction officer training.

And so the sad story, Mr. Chairman, is that when a candidate for correction officer is notified of his appointment, he appears at the facility, is interviewed by the warden, is measured for a uniform, and the very next day is assigned to working as a correction officer without any training whatsoever.

The story is the same thing in the city of New York. Despite the fact that the city of New York has a training academy, the unfortunate experience is that the young man reports to the academy on Monday, he gets a call when he is at home Monday night there is a shortage at the Adolescent Shelter at Rikers Island, reports there instead of the academy, and consequently we find that that individual learns his job on the site without any kind of training with regard to procedures or any sensitivity training.

So what I would ask the Congress to do is this: You have set an example in section 404 of the Safe Streets Act by authorizing the Federal Bureau of Investigation to establish and conduct training programs at the FBI Academy at Quantico, Va., to provide training for State and local law enforcement personnel. I am asking the Congress to do this: To add to that Safe Streets Act to call for the creation of a Federal academy of corrections, and I don't say this once again for the purpose of giving you our problems. I am asking you to do this because I see the Federal Government as the one not only with the resources to do it but also with the ability to bring together from all over the country what few experts there are in the area of corrections.

How often it is when we pick up a study or a report on corrections we see the same names appearing time and again, most of whom are former Directors of the Bureau of Prisons. What we have to do is establish some central academy not for training the recruit as a correction officer but rather to where correction officials can send those people who have the prospect of rising through the ranks to give them greater expertise and ability in what is at best a very difficult job. I think then if we can do that we can provide uniformity of standards for corrections.

My second proposal would be this: Once again this flies in the face of my jealous concern for the prerogatives of State and local government. I, in light of what has happened not only in New York State but elsewhere, think that the Congress must authorize, perhaps it should be LEAA, to prescribe national standards for the recruiting and for the training of correction officers. And I think that the common denominator of despair which we found throughout the prison population, not only at Attica but throughout New York State, is truly a national phenomena and I think that this denominator of despair is grounded in the failure of our system to respond to the legitimate needs which have ripened into demands of prisoners, and the difficulty is, and I think the reason why we have prospect for even more riots, and hopefully not of the same dimension, but I think we are going to see them increasingly frequently, is that there is no way for a fellow who is incarcerated in one of our institutions to communicate his grievances to the man up front, the man who sets the policy and operates these institutions, and I think that the principal way for communicating between the inmates and those in authority will be through better trained correction officers who not only can understand the problems of the persons who are incarcerated but also can have a little sensitivity for the problems of the

family and friends whom the inmate leaves on the outside and whose problems he brings with him when he comes to a prison; and, third, I would suggest that the Congress expand upon what it has already provided in allowing States to make up their matching requirement with regard to using other Federal funds.

As we now know, under title I of the Safe Streets Act, the Federal Government allows States to use certain model cities funds in order to make up what is usually their 25 percent matching requirement. I believe that since the States are sorely in need of ability to train correction officers, to train them pursuant to what I hope will be prescribed standards recommended by your committee, they will be hard pressed for funds in order to be able to implement these, and since it relates to both matters of labor and matters of education, I would submit that you give favorable consideration to allowing the States to use HEW and Department of Labor funds to make up these matching funds for the State's contribution.

I didn't intend to speak this long. I am afraid when those of us who have lived with these problems this long start we don't know exactly when to end, but let me conclude on this note, if I may:

I didn't address myself to any particulars. I don't know how Clarence Jones feels, but each time I realize what happened at Attica it is an equally disturbing experience as it was then. But as disturbing as it is, I think we have to look at this very closely. I commend this committee for taking the lead in taking an objective stance with regard to this. I hope it will be productive and I hope it will be productive for this reason.

A few weeks ago I was privileged to appear with you, Mr. Chairman, in Philadelphia, and you recall the chairman of the Fortune Society in response to a question from a legislator in Florida said, "Do you fellows in prison ever think about your victim? You are always talking about your past crimes." And he responded, "Yes, we think about our next victim." And every man and woman in prison today is looking forward to the day when he or she is to be released. Unfortunately all too many of them are looking forward to the following day when their next victim is going to be you and going to be I and going to be all of our citizens across this country.

I would like to continue to work with you and I look forward to hearing from Mr. Jones.

THE CHAIRMAN. Before you conclude, would you care to give a brief summary of what, in your opinion, led to the confrontation at Attica?

MR. DUNNE. Yes; I would. There is no question that one of the elements, and I am not sure just how serious it was, but one of the elements was the rhetoric of the number of militants who very persuasively were able to lead an unusual number of I think otherwise unwilling inmates to participate in that rebellion. They found what I think was their common denominator of despair among the inmates.

You may recall there was great howl brought by one of the leaders when he said, "We don't want to rule, we want to live, but if we cannot live like people, let us at least try to die like men." I know Flip Crowley. Many of the other leaders were among the leaders when the count came after the facility was regained. I think they found this common denominator of despair, despair which came from an inability of the inmates to communicate their grievances to those who

were in a position to make a difference. I don't think it was the bad food because we know in the corrections department of New York State that the kitchen at Attica was the best within the entire department. I don't know how you can do that on 62 cents a day.

In addition to that, I think that there was a failure to recognize that these are men, that they are men that have to be kept busy, they have to be kept employed not in work projects but in things which will make them believe that those in authority recognize their dignity and are preparing them for release. But basically, Mr. Chairman, I think the problem has been that there has been a wall of insensitivity between the inmates and those who are their keepers.

We know until only a year ago there was a rule in the department you could not speak to an inmate if you were a corrections officer except in the course of giving an order, and I don't mean to oversimplify the causes of Attica. If we don't find an answer to the problem of how there can be better communication, I don't think we are going to find any answer to any of these problems not only at Attica but elsewhere, and that once again resolves itself into whom you select as corrections officers and how you train them.

The CHAIRMAN. Well, thank you very much, Senator.

If I may now, I will call on Mr. Jones to make his general statement and then the members of the committee will inquire.

STATEMENT OF CLARENCE JONES

Mr. JONES. Thank you, Mr. Chairman, and I want to also thank my Congressman, Congressman Rangel.

I don't know whether all of the committee members know the New York Amsterdam News is located just at the intersection of approximately 125th Street around Eighth Avenue in New York City, and to the extent that Harlem in New York City is regarded as the major capital of what is sometimes called Mick America, Congressman Rangel is our leader and we are very proud of him.

I think if Senator Dunne has said that he lacks expertise I think that anything that I might say thereafter would certainly be in the category of far less expertise.

My response and my involvement in the Attica situation arose really from an invitation, as did Senator Dunne's, to come to Attica and to try to be a part of a process that hopefully would resolve a very difficult and tragic situation.

I have some specific observations which I want to offer to the committee with respect to Attica, but before that I would like to just make some general observations which really arises more from a period of reflection after the involvement in Attica and also on the basis of numerous letters I have received as editor and publisher of the New York Amsterdam News from inmates not only at Attica but from prisons throughout the State of New York and in some cases outside of the State.

I think that this committee can play, and indeed is seeking to play, a very important role in terms of alerting the American people to some fundamental choices which really involve some very deep values in terms of what is important in our society.

This committee, if it can alert and inform the American people that among some of the choices it has to decide, really has to decide, is what is the meaning of prison in the first place. What do we really want to do with people who have gone through the processes of the law, through the trial, through the sentencing process? Do we merely want to remand them, to keep them as in a warehouse, do we want to provide them with a program that leads toward their eventual return to the society?

Now, I know this is a broad question, but it is in my judgment a key question. It is a question which is going to involve choice among priorities, funding priorities, and I listened quite intently to Senator Dunne. I heartily and fully endorse every recommendation he has made.

It is estimated that more than 95 percent of the inmates in our Nation's prisons will at sometime return to society either by way of parole or upon the expiration of their sentences. How the inmates are treated while in our prisons, their cumulative reflection and evaluation of their treatment on a day-to-day basis by guards, and to an equal degree by prison supervisory authorities will largely determine how they will feel about the outside world on their release.

In short, the day-to-day experiences of inmates in the cellblocks, in the yards, before parole boards, and in the visiting room, with the prison doctor, will determine an inmate's chances of becoming a productive, law-abiding citizen after his release.

Now, the irony of our administrative system of justice—before becoming an editor and publisher of a newspaper I am a lawyer and was a trial attorney, I know a little, not a great deal, about trial procedure. I am a little removed from it at the present time—is that the rather elaborate constitutional protection, for example, and safeguards afforded an accused before and during trial, all seem to come to an abrupt halt at the time of sentencing. It is almost as if that upon sentencing and transfer to a prison the accused now legally adjudged guilty had passed over into some never, never land to be forgotten, tolerated as an inconvenience or simply despised as something less than human.

My experience in the rebellion at the Attica Correctional Facility in New York State and the reading of correspondence from inmates before and after Attica causes me to ask over and over, "What are prisons really for anyway?" Are they more custodial warehouse centers for unwanted human baggage or are they societies of confinement serving some useful human social purpose?

Now, I would like, if I might, read to you and I would like to have it in the record, so to speak, because I think it best reflects my thinking at the time. One day after, the morning after September 13, at my home after having returned from Attica, I sat down to prepare for the then-coming edition of the Amsterdam News which is published weekly. We go to press on Wednesday. As people here in the newspaper business know, it is one of the responsibilities of an editor, sometimes he consults and sometime delegates, to sit down and write the editorial. I sat down, this is some 24 hours after having returned from Attica, and wrote the editorial for the Amsterdam News which appeared in that week's edition, and I think since it was

written so close to the experience that I had I would like to read it and I hope it will be understood it is not self-serving as far as newspaper sales, Charlie, but I would like to just share my thinking which I had then.

This is, "The Tragedy at Attica," and it relates to the question of why the inmates rebelled to the question as to what prisons are for anyway. I will now read:

THE TRAGEDY AT ATTICA

The rebellion and massacre at the Attica "Correctional Facility" is a warning to American society, our penal institutions, and government. No one can any longer postpone facing up to the "facts of life" about the living conditions of thousands of our brothers and sisters and children in the prisons of our country.

If it has not happened already most of us have a lot of rethinking to do about the relationship between human dignity and the status of an inmate in a penal institution.

Once a person has been convicted, sentenced, and committed to prison, law enforcement institutions have extracted, on behalf of society a redemptive "debt" from the convicted individual. Imprisonment, then, in our view places the inmate in the status of "redemptive equality" with other members of society. Confinement to a penal institution does not give prison authorities license to strip elementary human dignity and individual respect from persons remanded to their custody.

In the words of the inmates of Attica: "We want to be treated as human beings; we will be treated as human beings; and if we cannot be treated as people, we will at least try to die like men."

The fundamental threshold question raised by Attica is whether or not the prison authorities running the prisons in our country are prepared to immediately grant to persons convicted of a crime and confined to their custody those minimal ingredients of human respect and dignity that distinguish a person from a captured and caged animal.

Eighty to 85 percent of the inmate population at Attica is black and Puerto Rican. Correctional executive officials, supervisory staff, and guards are all white. Most of the guards come from nonurban or rural environment, whereas most of the prisoners come from the ghettos of our cities.

Although the busing of children to achieve desegregation in public education has come under much criticism and often proves an inconvenience to white and black alike, something like busing of correctional officers may be necessary, if no other way can be readily designed, to insure immediate maximum inclusion of nonwhite persons in the guard force at Attica.

The warning of Attica seems clear to us: The continued exclusion of black and Puerto Rican people from every level of meaningful participation in the decisionmaking processes of power in every political, economic, and social institution of our society creates a fuse that can ignite, at any time, the social dynamite of frustration and accumulated injustice.

Governor Nelson Rockefeller, Commissioner Russell G. Oswald, the correctional officers, guards, and inmates were all participants in the tragedy at Attica. Responsibility, however, for the outcome of events there must be placed squarely at the feet of those who had the most power to prevent bloodshed.

The Governor and correctional officials became impatient with the progress made in resolving the issues raised by the demands of the inmates. Human lives were at stake. Why the impatience when the inmates consistently told officials directly and through members of the committee of observers that no harm would come to the hostages unless police action was limited against the inmates?

For years black people have been told to be patient—to negotiate, to try to seek their rights through assertion and persuasion. Yet, the Governor and prison authorities couldn't wait a few days, possibly a week, before unleashing massive firepower, which resulted in a massacre of hostages and inmates alike.

What principle of law or penal administration was being served by denying the Observers Committee's request for additional time to talk with the rebellious inmates?

An assault on cellblock D was justified by Governor Rockefeller and prison authorities as necessary to prevent prisoners from "carrying out cold-blooded

killings they had threatened from the start of their rebellion." On the day of the invasion by the State police and Monroe County sheriffs, we were told all of the dead hostages had had their throats cut by the inmates. Now the Monroe County medical examiner certifies that all dead hostages were killed by buckshot and rifle bullets. In the absence of any credible evidence of rifles and shotguns being in the possession of the inmates, the likelihood is that all hostages and inmates who were killed were slain by gunfire from the invading State police and sheriff's assault force.

Under such circumstances we must ask: Are the inmates of cellblock D guilty of the deaths of the hostages? Or are those State and prison authorities who ordered the assault upon the inmates guilty? We welcome and endorse Governor Rockefeller's plan to appoint an independent citizens panel to investigate all the circumstances of the Attica tragedy.

In our judgment amnesty was neither legally nor morally impossible. Amnesty only required a reallocation of the social and political values underlying our legal and judicial system. It would appear to us to be within the discretionary executive power of a State Governor, under conditions of a State emergency to assign a higher priority to the prevention of bloodshed and the saving of human lives than to the maintenance of an "orderly symmetrical" system of law.

Commissioner Oswald has a stated commitment to penal reform greater than the directors of most prisons in the United States. Nevertheless, he must be held accountable for the actual and symbolic supervision of the Attica facility by Superintendent Vincent Mancusi. Mancusi may be personally an honorable man. That is not the issue. The issue is whether or not it is reasonable to assume that had Mancusi been running, on a day-to-day basis, an institution responsive to the needs of the inmates, the Attica rebellion might not have occurred.

Meaningful improvement at Attica might best be commenced if Superintendent Mancusi is immediately relieved of his responsibilities at the prison. His retention, appears to us, to be inconsistent with Commissioner Oswald's commitment for genuine penal reform.

The Observers Committee, in our opinion, must ask themselves in honest introspection whether or not at all times they conducted themselves during the course of the rebellion in a way most calculated to achieve a settlement responsive to the needs and in the best interests of the inmates. We believe the role of Bobby Seale, chairman of the Black Panther Party, in visiting Attica Prison and cellblock D leaves many questions unanswered.

Finally, to many people in America, acts of courage, patriotism, and love for freedom are associated with such slogans as "Custer's Last Stand," "Remember Pearl Harbor" or "Remember the Alamo."

The inmates of cellblock D may well, to many black people, particularly our youth, take their place in history alongside Denmark Vessey, Nat Turner, John Brown, Frederick Douglass, Malcolm X, and Martin Luther King, Jr. However one views the tragedy inside cellblock D, we hope all decent minded citizens will "Remember Attica."

As one knows from the newspaper business, one doesn't expect everyone to agree with everything that is said, but I read that because at the time those are the thoughts that I had. Whether those thoughts were right or wrong, those were the thoughts that I had.

Now, as many members of this committee already know, the "Manual of Corrections Standards" of the American Correctional Association recites the basic purpose of prison is: "Rehabilitation of those sent there by society."

Now, while this is a laudatory statement, there appears to be a substantial amount of evidence that few prisons actually provide meaningful rehabilitative opportunities. In my opinion the standard of performance or yardstick by which the adequacy of any correctional facility should be measured is the extent to which the day-to-day operation of such a facility is programed to rehabilitate as distinguished from warehousing inmates remanded to their custody, and part of this test also would involve as to whether or not such facility has any meaningful program for narcotics addiction.

I don't have the statistics at my fingertips but I am sure it is well known to every member of this committee that a larger number of crimes which are committed are related to the effort on the part of the person committing the crime to either get property in the form of money or other form to satisfy his craving or her craving for heroin addiction or some other form of addiction. If it is, and it is my opinion and we have said this also editorially, that drug addiction is in many of our urban centers, certainly it is in the Harlem community. Bedford-Stuyvesant community in New York City, it is not limited to those communities, however, it is in the suburbs also, gentlemen, and I say this to you as representatives of the American people, that we have to face up to the fact that the question of narcotics is like a plague. If we could see the effects of narcotics addiction by some results such as anyone who is afflicted immediately they are turning orange, for example, and may be coming into any city and see all of the orange people, I am sure that we would be amazed at the extent to which our society, our urban centers particularly, are afflicted with this disease.

So that any program of meaningful prison reform, if prisons in fact are to be places where persons having run afoul of the law, but if prison authorities and if governmental institutions recognized that the overwhelming majority of the people who are in prison at some time either at parole or at the expiration of their sentence, that they are going to come back, they are going to come back, so the choice that the American people have, the choice that every citizen has, the choice that State government has is that either we have to acknowledge that we are prepared to go back to some barbaric time and medieval time and we put people away and keep them there indefinitely or we are going to have to stop playing, thinking about it, about the solution, and not coming up with any practical programs which will provide meaningful rehabilitation, because in the absence of meaningful rehabilitation, those persons in our prisons who, as I have said earlier, their experience, their attitude toward the outside world is largely going to be shaped by the experiences they have while they are in these institutions. When they come out they are ready for us. They are more angry at us than they were when they went in. And it is almost senseless having prisons without some of the programs, for example, that Senator Dunne has actually recommended, the question of having the guard force, other correctional personnel, better trained, having them more responsive to the inmate population.

A proposal, for example, to have greater inclusion of black and Puerto Rican people in the correctional personnel does not demand that the only way you can administer a prison which has a high population, that you have all black or all Puerto Rican, shall we say, guards, no, that is not the issue: it is just that I think if you want to realistically try to find a way of structuring a situation where the maximum possibilities exist for an inmate to return to society with the hope of becoming a law-abiding citizen and becoming a constructive person, then we obviously have to focus on that part of the prison life that most affects the inmates and that is the day-to-day relationship in the cellblock, in the yard, that they have with the guards. It is this probability, and I have no statistical evidence to prove this, it is just my belief, that how that individual was treated for months

and years every day by a guard that he sees in his cellblock or by the doctor that he sees, probably that relationship that he has to that guard, and the sensitivity that the guard may exercise in the exercise of his responsibilities, may have lasting influence in terms of how the inmate feels on his return to society.

I want to thank the committee for inviting me here and I hope that you will ask me and Senator Dunne questions that you believe we can answer.

The CHAIRMAN. Thank you very much.

Mr. WALDIE. I want to compliment both witnesses for the eloquent and articulate presentation that they made. I notice the major difference between both Senator Dunne and Mr. Jones' analysis of the causes for Attica from that analysis the committee received from Mr. Mancusi yesterday: Mr. Mancusi did not use at any time the word "despair" to describe the attitude of the people in the prison at Attica. As a matter of fact, I gather from most of his description of the manner in which they were treated that they were in some sense fortunate to be at Attica. Service was good and the care was good, though he said, as most people in administration position of government do say, he could use more money to do the job that he has to do. But at no time was the attitude of the prison described as one of despair. Both of you have used that word to describe the prison.

Warden Mancusi ascribes as the primary cause of the Attica disturbance a Marxist-Maoist far-left conspiracy coupled with excessive permissiveness on the outside society that is reflecting those under his charge. And I gather from the warden's description of the causes of Attica that in no sense were they the result of remission on his part but they were the result of causes over which he had no control, causes afflicting the entire body of society. If that is a correct analysis there is little this committee can do to assist you, Senator Dunne, as a State legislator in improving the penal system unless we address ourselves to the root causes of the conspiracy and the extent of permissiveness that the warden sees in outside society now reflect in his charges.

If, on the other hand, the cause, as you have suggested, is despair of the prison population, we can do something about that.

My question to you with that lengthy introduction is, do you in any way share the warden's theory that a conspiracy of "isms," whether it be Marxism, Maoism, far leftism, or permissivism on the outside society in any way contributed to the tragedy of Attica?

Mr. DUNNE. No, sir.

Mr. WALDIE. I ask that to you and I would also ask that to Mr. Jones.

Mr. DUNNE. No, sir. Whatever evidence I have been able to gather since and while I was at Attica would indicate no basis for establishing that this was part of a conspiracy. I disagree with the superintendent's conclusion that that was the cause because once again it represents the trap of simple answers. Of course, the rhetoric which both Mr. Jones and I and the other members of the observer team witnessed in that yard was similar to and contained much which has been said by Marxist and Maoist, but other than that basic similarity I find no evidence that this was part of a conspiracy. I think that the great problem is, as I tried to say originally, that these people who

are espousing militant, if you want to call it radical doctrines, were so effective in reaching a sensitive point among a broad basis of the inmates and——

MR. WALDIE. Senator, let me interrupt you at that point. Following the warden's theory he said that those who were espousing these radical follies were persuasive, as you have described them, and that the despair that you have described but he does not recognize, the unrest in any event, would not have been able to have channeled itself into revolt had he been able to excise from the prison body those who are espousing that rhetoric. He says he could identify by reason of the literature they read, the comments they make, and I guess those were the essential external manifestations that would lead him to identify the radicals, the Maoists, Marxists, far leftists, the permissiveness. If he could excise those people the prison population control would be established, and I gather control if not the final objective certainly is a major objective, and Attica would never have occurred.

I would like you to comment: No. 1, is that correct; No. 2, should you seek to remove that leadership from the prison population entirely; No. 3, if you can identify it, remove them, what have you accomplished in terms of alleviating the despair? Would you comment? I don't mean to exclude you, Mr. Jones.

MR. JONES. Sure. Let me just say that I concur that in the limited period of time that I was at Attica, certainly while I was very much a part of what went on in terms of witnessing it in cellblock D, that one would have to say that the primary cause or not, for that matter not even the major contributing cause for the Attica rebellion appeared to be any conspiracy which existed on the part of the inmates in cellblock D, those who are believed to have been the leaders or those who may not be the leaders. I think in addition there is an assumption, and I am not sure that Superintendent Mancusi wants to make that assumption, but there is an assumption when one says that the primary cause of a rebellion lay in some conspiracy on the part of the Marxist or Maoist, revolutionaries, there is an assumption that whoever these people are and if some of them can be identified that their powers of persuasion are so extraordinary that they just by their mere presence and by their mere powers can bring together the inmate population in any given circumstance to take a certain course of action.

Now, I would rather say this: I would say that, yes, if there are conditions in a prison which have been smoldering, each inmate doesn't need anybody of a Maoist or Marxist persuasion to tell him that the conditions are not satisfactory. These conditions are felt and seen by a large number of inmates in a prison within that environment. It would not take much, of course, for anything to set off a spark so that to the extent that once a rebellion has started the Maoist or Marxist leaders, whoever they may be, find a rather responsive chord among people who otherwise would come to their own conclusion that conditions are so bad that something has to be done.

MR. WALDIE. May I interrupt? Assuming, and I presume conditions were that bad at Attica, assuming you recognize that they are that bad and you can't get a legislator or Governor to give you the funds to improve them, if you believe they should be improved and require

funds, are you then justified in excising from that prison population the individual that is able to dramatize, articulate those grievances into the type of action that took place at Attica?

Mr. DUNNE. Yes, sir. You are entitled and I think that proper correctional standards mandate those in authority to remove—and I would like to explain what I mean by that—them from the general prison population, because I am convinced that a majority of the inmates in our prisons want to do their time and I think most of them want to do it constructively. I reject the proposal that you take these carefully identified troublemakers, what the standards for that identification are I am not quite sure, and place them in some isolated facility, combining them altogether, so that they can all just harangue one another. I think that is too easy an answer to a very difficult problem.

I think within authority which is now invested in the superintendent, whether he wants to resort to key block, whether he wants to put the man in the box in isolation, if he continues to stir up the prison population, I think that he should. But I don't think that we should create a special facility for what have already been identified as 500 or 600 troublemakers who just curiously happen to be 95 percent black, because you are not solving any problem. The problem is not going to go away because in today's society, with the greater awareness of racial concern and rights, for every militant or troublemaker you take out of Attica or Auburn, he is going to be replaced by one or two more equally articulate. What disturbs me is the attitude which gives rise to a superintendent saying well, if I could get rid of this, I wouldn't have any problems. If he gets rid of that problem, somebody else is going to have to undertake it, and one of our problems in the New York State correctional system is that the warden, the person who is really the most important administrator in the whole picture, doesn't see himself as having an overall commitment and concern for the entire system. He figures just so long as it is out of my prison, I don't care. I am civil service. They can't do anything to me. I don't care what the commissioner of correction tells me, just leave me to run my own facility. And so I reject entirely the idea we should just get rid of the so-called agitators and troublemakers.

Mr. WALDIE. I have taken up too much time, and I want to comment in this regard. I very frankly was not impressed by the warden. I was not impressed by his analysis in depth of the problem, and therefore neither was I impressed by the solutions that he proposed. On the other hand, I sympathize with the warden who is confronted with an administration, and New York is not singularly unique in that regard, and I do not include any of the State legislators before us today, knowing of your attitudes and your support, but there is not a warden in the New York State prison system, as you have described here, that has been supported by any administration or any legislative majority in recent modern history in terms of the funds if they were motivated to provide a better than a warehousing experience in those prisons. If that is the case, if they are not going to get that support from their administration, from their legislative bodies, then their problem is really control, and if their problem is narrowed down to control, I suppose the warden's concern for removing those who are able to command followers in terms of riots is a legitimate

concern, and I don't find myself quite ready to condemn him wholeheartedly for his failure to recognize the depth of the problem when if he did recognize the depth of the problem, unless his Governor and legislature recognizes it with equal clarity, there is nothing he is going to be able to do about it except maintain order and that is the real tragedy of this system, that you and Mr. Jones are really a minority in terms of those who are making the decisions as to how these prisons are to be run.

The Mancusi's, I think, are in a majority in terms of their attitudes toward how the prisons must be run, and I do not find it awfully easy for me to criticize the Mancusi's for their inability to provide any experience other than an orderly, hopefully an orderly, prison given the support they get from Governors and from the States and from Congresses of the United States.

I have no further questions, Mr. Chairman.

MR. JONES. I would like to say that I would agree that control obviously is a legitimate concern in the administration of a prison. I suppose really my difference arises from the fundamental purpose of what prisons are for. If you wanted to segregate or to isolate, take out, those persons who, by whatever standards are used, are deemed to be troublemakers, are deemed to be revolutionaries, Marxists, Maoists, that at best is a short-term solution. It is almost as if it is felt that necessary troublemakers being like a contagious disease, you can take them out, that the disease will not spread or that it will not recur. That is my judgment, as I have indicated, and I certainly want to qualify that judgment by saying as of course every member knows, I am not an expert in any degree, in penal reform, I am not a sociologist, I am not a psychiatrist, I am a lawyer and a citizen, and concerned hopefully with changing some of the conditions in some of the prisons, but it is my judgment that it is the day-to-day experiences of the inmates in the facilities which will have a far greater influence on whether they will be responsive to, no matter how persuasive anyone in urging them, take a course of action other than the powers of persuasion of anybody who may be a Marxist or Maoist.

MR. RANGEL. Mr. Chairman.

THE CHAIRMAN. Will you kindly present Mr. Eve who is the third member of the panel.

MR. RANGEL. I would like to very much ask Senator Dunne a question before we move on.

THE CHAIRMAN. All right.

MR. RANGEL. You have been in and out of the prisons in the State of New York. Would you say that Warden Mancusi is representative of the type of wardens who are generally appointed?

MR. DUNNE. I would say basically yes, and he was often described by Mr. Oswald's predecessors as the best man they have in the system.

MR. RANGEL. Are you familiar with the facts and circumstances existing at Attica at the time Vincent Mancusi was appointed superintendent?

MR. DUNNE. Yes, sir.

MR. RANGEL. Will you tell the committee to the best of your knowledge what they were?

MR. DUNNE. They can best be described by the charge which was given to Mr. Mancusi when he was assigned there as superintendent,

then warden, to keep the lid on. It was a pressure cooker. It was a facility to which the disciplinary problems throughout the system were sent. It was a facility to which long-termers were consigned; and despite their reputation for good kitchen, that was about the only affirmative thing that could be said about the facility. It really was the Siberia of the correction system.

Mr. RANGEL. Thank you, Senator.

I have been given the great honor to introduce a very dear friend of mine as well as longtime colleague in the New York State Assembly, Arthur O. Eve. Certainly among the criticisms that are made of his conduct I have never doubted his political courage to take the stands he has taken as a member of a legislative body or as a member of the general community.

Arthur Eve has the unique background of having won all of the Democratic Party primaries without ever being recognized by any of the Democratic leaders, which I think in any political circle is unique. In any event, Arthur has been familiar with the circumstances that prisons find themselves throughout the State of New York and was among the first, if not the first, who arrived at Attica to offer his services in order to prevent loss of life.

Since the Attica tragedy, Assemblyman Arthur Eve has been dramatically trying to bring the American people to understand that the problems of Attica belong to all of the people of this country.

I recognize him as another publisher of a widely circulated newspaper, in the Buffalo area, in addition to his many legislative responsibilities. It took great time and effort for him to come here this morning; and so on behalf of the chairman and this committee and the entire Congress, I welcome Assemblyman Arthur Eve to this committee.

The CHAIRMAN. Thank you.

Mr. Eve, I explained to the other distinguished panelists, our committee is concerned with the treatment and rehabilitation of persons who are convicted of crime in relationship primary to the crime problem. Our primary concern is not how to run the prisons but how to reduce the crime, if possible, in the country. We are naturally concerned about what causes this confrontation and the relationship between the treatment and rehabilitation at Attica in relationship to the likelihood of inmates committing crime after release.

Do you care to make any general comment about what caused Attica, what lessons you learned prior to entering into the panel discussion here?

STATEMENT OF HON. ARTHUR O. EVE

Mr. EVE. First of all I would like to say that Attica had a population of about 85 percent black and Puerto Rican and this was somewhat of a normal percentage throughout our State in the county penal institutions in most of the urban areas. As the inmates say, what I learned they said, they said constantly that Attica basically represented the urban communities and generally the society outside. I think we have to deal with the serious question of the problem of racism. The congressional body and the President have appointed various committees. There have been studies on disorder and they have come back and reported time and time again in the 1960's racism was a

major problem. I think this is a problem we are going to have to deal with. With crime and our penal institution it is a fact. It is present in our total society and penal institutions and I think sort of raises its head very, very vividly and very openly and I think that is where we must begin. How do we effect that kind of situation?

You had a speaker here yesterday, the president of the correctional officers, Mr. Ciuros. I believe. I would like to state what he said to a group of legislators the day of the massacre.

He came in and Deputy Commissioner Dunbar was going to interview or give a group of legislators some briefings of what happened. After he did this he called on this particular gentleman whom I thought would be very bitter at the inmates but his response to the group of legislators who had come from all over the State was that you gentlemen have created a society which created criminals. He said when we deny people an opportunity for good education, for decent housing, for opportunity for promotions and jobs, he said you create a society by the action of your legislative body decisions which in fact creates a society that creates criminals, and then he said you sent them in to us in a physical structure that is not physically capable of rehabilitation. He said this building was built in the early 20th century sometime and it is not physically structured for us to begin the rehabilitative process.

Then he went on further and said we asked your legislative body to give us money to retrain our correctional officers, to retrain them so that they can cope with the kind of problems that you have developed in your society, and he made it very clear that the legislators there, the majority of them were responsible for that massacre. He said not only did you not give us the money to retrain our correctional officers, to help them to deal with this kind of situation, but you cut that out of the budget and you even cut us less money so that we had less money here to deal with an institution that needs the very strong degree of security by virtue of its physical structure.

I think that is something that we have got to really deal with and I think as a member stated, and I urge you in discussing Mr. Mancusi, have Mr. Lavelle here from Clinton Prison. When you talk about the attitude, this man told myself and two clergy that if an inmate sends a letter out and he ends it with the terminology "Right on," that he is taken out of the regular population and put into unit 14 or cellblock E, and I said "Right on" in the black community every day is a normal form of conversation with the young blacks and Puerto Ricans. But I think this is the kind of thing you are dealing with.

I would like to end on this. While we were at Clinton Prison, I went there because Clinton was rumored to be ready to blow up, and I went there to meet with the men in the surrogated units, and I asked them please, I know you are going to go under all kinds of harassment and so forth, do not react physically. I said people would love to see you react physically and watch this place go up so they can justify the men who show they had compassion for human life at Attica that here you have done something else. But I talked to the lieutenant, the minister and ask, why do you have these men in surrogated units and he told us they were troublemakers and they made certain kinds of rhetoric and he said they may kill some hostages here like they did at Attica. And the minister and I both said, don't you realize that the medical exam-

iner said that those men were not killed by the inmates but they were shot by the State troopers and the people who went in, they were not castrated, they were not throat slashed. This lieutenant responded to Reverend Stake, I recall his name, a Presbyterian minister from Schenectady who married Commissioner Oswald's son in his church last year, and the other was Minister Rolins, national president of the United Black Clergy. This lieutenant said to us, we do not believe that medical examiner. We believe that the hostages were killed by the inmates. And we said, listen, one medical examiner said that they were shot, two others came in and verified it, and this lieutenant responded we do not believe it.

Now, how can you cope with that kind of mentality? I mean you have a serious problem. And that lieutenant there refused to believe and I think he was a basic indication of a vast majority of the men who are responsible as correctional officers in that particular institution of the attitude that the men in there, the inmates, were capable of doing the same thing that was done at Attica, which was in fact proven that the inmates did not take the hostages lives. I think we are dealing with a very serious problem in the State of New York.

The CHAIRMAN. Thank you very much.

Mr. Waldie.

Mr. WALDIE. No questions.

The CHAIRMAN. Mr. Winn.

Mr. WINN. Senator Dunne, you said earlier there was no way to communicate with the authorities at the prison. You felt that was one of the weaknesses. Yesterday we heard of a very elaborate system, whether it works or not I don't know, and from your experience I think the committee would like to know where the inmates can put a complaint in a form that is printed for that, a specific size, and thereby put into an envelope, sealed envelope, which can be delivered either to the superintendent or to Commissioner Oswald. Is that information true?

Mr. DUNNE. While there may be in fact such a procedure I think it must be viewed in the general operation of a prison and I think that this is one of our basic weaknesses and I have an idea it is not restricted to New York. The person who really runs the inside of a prison in New York State is the deputy warden. The idea is, I guess just like in the service, the less problems you give the general the better you look. The deputy warden is the one who runs things on the inside. The warden pretty much stays in the administration building and in most cases does not become involved in the day-to-day detail.

My experience in going through our facilities today is that these complaints are not in fact communicated to those who are in a position of authority to make policy changes; namely, the warden and the commissioner of corrections. And to add to that the further weakness which I see is the warden's or superintendent's failure to see his role as one which is broader than that of his own facility is one of the reasons why the grievances not only of the inmates but also of the correction officers on the tiers are not communicated to those in a position of authority.

I think there is a breakdown in the theoretical plan.

Mr. WINN. You feel there is a lack of communication, not only by the inmate but by the correctional officers, to the higher echelon?

Mr. DUNNE. I certainly do.

Mr. WINN. Do you think that someone is blocking those complaints on purpose?

Mr. DUNNE. I think it is part of an old army game of trying to keep things as quiet as possible and not giving the appearance of any kind of problem; yes, I really do.

Mr. WINN. Senator, do you think that the correctional officers and the deputy administrator are unaware of most of the complaints that would be put in the little envelopes?

Mr. DUNNE. No; I am sure they are aware of the majority of them.

Mr. WINN. Actually the complaints that the inmates might be putting in the envelopes are probably nothing new to these men of experience.

Mr. DUNNE. I would think so. And because of what I see to be the failure, I think we have got to pursue two avenues. One, setting up an inmate council, I don't like to call it a grievance council, which meets personally with the superintendent, and in addition to that an idea which was accepted with great favor, establishment of an ombudsman in each of the prisons, whether that person be a total stranger to the institution, or whether he be someone from the commissioner's office. I think you have to have that as a means of communication.

Mr. WINN. I think that deserves a lot of merit, a lot of consideration. Don't you feel some of the complaints that would be put in the envelopes, if they were passed on to the right authorities, would be the usual complaints that they have about food and the things that practically every one of us could probably put in the same envelope without even being inside? At least the five basic requests I understand were pretty standard requests until they ballooned to 30 with a lot of new ideas thrown in at the last minute.

Mr. DUNNE. Absolutely, sir. As one who receives hundreds of letters from inmates from all over the State, there would be great similarity and I would say perhaps the majority of them are not really meritorious but there are enough of them that are meritorious and would be revealed by Commissioner Oswald's concessions as having some reasonable basis for complaint so that they should be confronted and I think met.

Mr. WINN. Some of them would be of the type, then, that could cause the inmates to get to the boiling point where they might want to riot.

Mr. DUNNE. Absolutely.

Mr. WINN. Or an accumulation of several.

Mr. DUNNE. An accumulation of seemingly trivial matters which all in their combination go up to make the human equation and make like a little bit better.

Mr. WINN. Some of the requests, however, that could be made and would be made are going to be impossible under the present prison conditions and the present social outlook on what we are trying to ascertain and what we are trying to accomplish within our prisons would be impossible for Mr. Mancusi or Mr. Oswald any anyone else from an administrative standpoint to give to the inmates; right?

Mr. DUNNE. I think——

Mr. WINN. And so they may be like college. Some college students if they don't get their own way on their complaints, condemn the administration.

Mr. EVE. Can I, Mr. Chairman? You make it the five items. I think it was 28 items that the commissioner said that he would try to implement; 28, not five.

Mr. WINN. Yes. Am I wrong that they started with five?

Mr. EVE. The first day.

Mr. WINN. And went up to 28.

Mr. EVE. The first day there was initially when I went in, and I got the first five and they dealt basically with getting the observers there. One of their demands, the fifth one, was asking for specific observers, including Clarence Jones and myself and others, and then they gave us the practical demands for the institution which they were working on and I got those on Thursday the very first day. But I want you to realize that the State agreed to some level of degree to 28, but I cannot call and say if you list all of their demands that they would sum up to about five generally off and on; no. The Puerto Ricans wanted something that might be simple to a lot of us who speak English. They wanted a Puerto Rican interpreter for the doctor because when they went in to see him he could not speak Spanish and, therefore, if they had a heart attack or were dying he could not understand them and subsequently gave them aspirin. This may not seem like a very important request to a lot of people, to have someone there who could speak English and Spanish even if that person was an inmate. All they wanted when they were talking with us in the yard, was someone in there, that office, be it a civilian or inmate, who could speak Spanish and interpret for the particular doctor who evidently was not showing any kind of sensitivity to their particular problem.

That is a major problem because if you are sick, and I am right now, I have got the flu, and you know, but if you are real sick and you want to see a doctor and he can't understand you and you are in pain, that is a serious problem, and then when he goes back into the block and the inmates, Puerto Rican inmates and other inmates say what happened to you, did they treat you? No, he spells out in Spanish and they said what did he give you, and he will show it to the other inmates and they say that is nothing but aspirin. So you have that kind of problem. His problem does not remain just his problem, it becomes part of that whole block's problem and that whole institution, because I felt a great sense of coming together by the men, great pressure of each other's problems and when you realize the 30 demands or 30 requests came from various groups in that yard and they made it all of their demand, be they Latin, Spanish, black, or white. I think that is the point we have to realize, that men in there do value human life and they see their members suffering and going through mental or physical brutality or harassment or denial, then that becomes part of the concern of the whole institution. I think that is what we must realize about these militants and so forth that they keep talking about, if a guy has some degree of articulation and if the other men respect him, and he has that degree of leadership then he is considered somewhat of a militant or organizer if the other men listen to him. And I would say you don't serve any purpose by putting this man away because those are the men who frankly, I think, saved those hostages' lives at Attica.

Because the first riot was the thrust initially by other inmates and then they subsequently selected other inmates to be their spokesmen

to try and negotiate something positive out of something that had happened negatively and if you did not have men who are basically articulate and had the respect of the other inmates, I think the hostages would have been killed and that is my own impression: because those men did have the respect of other inmates they were able to preserve the life of the hostages and trying to get something positive out of the whole thing. I was in the first day and saw the confusion initially and I would say we need to thank the men who have been recognized as leaders, who the men chose, instead of punishing them as we have done in the State of New York because they preserved the lives of the hostages.

MR. WINN. Do you think Bobby Seale added a great deal to that?

MR. EVE. It is almost ridiculous the way the papers—Bobby Seale came in the yard and Clarence Jones and Senator Dunne can confirm it Bobby Seale came in the yard and stayed approximately 5 or 10 minutes at the very most. And I know Dunne may have some difference of opinion on this, I don't know, but Bobby Seale said very frankly, very bluntly, fellows, the State has tried to get me to make you accept these 28 points. I am not going to do it. I have come in here to find out from you what the situation is. You have told me. I am now going back out and call the central committee in California and I will be back tomorrow morning, and he left. He could not have contributed anything negatively because he didn't contribute anything really. He was only in there 4 or 5 minutes and he left. And when he left, Clarence and a group of us stayed in there and went over the State's 28 responses and the district attorney's letter. So Bobby Seale contributed nothing one way or the other.

MR. WINN. Some of those people invited him in there because they felt he was a leader: didn't they?

MR. EVE. Right. And they also invited me and invited Kuntsler, and they invited Clarence Jones.

MR. WINN. I am sure you gentlemen furnished the leadership. You are just saying he didn't furnish any leadership whatsoever. He let his people down.

MR. EVE. No, he didn't let them down. You must understand that the inmates say we cannot make any decision for them because the State would not come in the yard and negotiate with them. The only function we could serve was take their response out, get the State's response and bring it back.

Now, I don't believe I can influence you gentlemen here on this panel on how to vote on a particular bill myself. As an individual you are going to be guided by your own judgment. I have that kind of respect for those inmates. When we left they discussed among themselves what kind of decisions they would make, they and they alone; and they made it very clear, we and we alone will make all decisions, determine our life, and our future because we are the ones who basically will suffer or will benefit one way or the other. I think this is the point we must make very clear, that I don't believe I could have influenced them. I don't believe anybody could have influenced them other than bring back the truth and the facts of what information you got. And then they themselves would make that kind of determination because I personally had a tremendous amount of respect for the leadership who was handling the negotiations.

The CHAIRMAN. We are running very short of time, so if the panelists would be kind enough, without injustice to what they want to say, to make their answers as brief as possible we will have an opportunity to hear the other witnesses. I am sure you will understand that.

Mr. WINN. I want to give Mr. Eve a chance to discuss because he was short of time.

Mr. JONES, you refer and we heard it yesterday, you brought out very strongly that there was a shortage of blacks and Puerto Rican guards as correctional officers in the prison. We are all aware that they come up through the civil service system. Right or wrong that is the system. If they wanted to bring in 100 new blacks they would be strictly untrained; would they not?

Mr. JONES. Well, that is true, sir. If they wanted to bring in a hundred new black people and this step was taken in response to a recognized need, I think that then the supportive step that would have to be taken is that a crash program would have to be designed to train such people in as short a period of time as possible. The fact that they are untrained, that fact in and of itself shouldn't be a limitation for considering bringing them in in the first place.

Second, is that I don't know how the civil service system works, all of the nuances of it, but here again it seems to me that some way has to be found shortcutting the period of time and of removing what might otherwise be administrative blocks, civil service blocks, to provide a greater inclusion in the guard personnel of men from the minority community. I don't have a plan, a fully designed plan as to how this should be done but I start with a much more simplistic approach.

If the need is recognized, then it seems to me everyone has to put their heads together and decide how this can be most effectively and immediately accomplished.

Mr. WINN. I think this committee would welcome any suggestion that you might have because I think that we are all aware that this is probably one of the problems. But at the same time we don't want to mislead anybody anytime that if we hire 100 or 200 or 300 black or Puerto Rican guards that is going to make this communication system any better, that is going to make the food any better, that is going to do a lot of the things that were on the list of complaints.

Mr. JONES. Well, I think——

Mr. WINN. Communication, yes; between individuals probably, yes; but not communications——

Mr. JONES. Let me just say, sir, I think that the test of the accuracy of any communication system is not merely to demonstrate that there is a box, for example, and that a complaint can be dropped in it. That is not the test in my judgment. The fact that such a procedure exists, that is good, but the real test is the extent to which that procedure is really responsive to the complaints which the inmates have. And so that the ultimate test has to be not how many complaints or not how many boxes there are and not how many sheets of paper are passed out and not how many opportunities are given for inmates to drop these sheets of paper in a box, but to what extent practically is the institution being responsive. You know often in life it is not so much the way things actually are but it is often even more important the way things seem to be. I think a large part of the problem in the penal institutions is

that the inmates do not believe that. There seems to be a lack of credibility on the part of the institution. You know the inmates don't believe that their complaints are legitimately and adequately being responded to and one way in which this could be demonstrated is the proposal, for example, that Senator Dunne has made, I think that, I don't know whether the name should be a grievance committee or ombudsman, some apparatus, something specific should be designed so that it can objectively be demonstrated to the inmate that there is a responsiveness to whatever complaints they have on the part of the institution.

Mr. WINN. You are not saying, however, if you gave them everything they wanted they would still be happy?

Mr. JONES. I am not suggesting that at all.

Mr. WINN. I want to cut this short, Mr. Chairman.

Mr. JONES. One hundred black men as far as training, you have to realize the men said they wanted to be treated like human beings. Part of the treatment is to be spoken to like human beings. And I think the inclusion of blacks and Puerto Ricans in the institution would mean that hopefully these men would be able to relate to them and speak to them like human beings, and I think that is an important factor that the inclusion of minorities would mean, because we found in one State prison, Sing-Sing, where we have a large number of minority correctional officers there, that the relationship is very good because the men just simply speak to the inmates like human beings.

Mr. WINN. In the paper you read you said, "The issue is whether or not it is reasonable to assume that had Mancusi been running on a day-to-day basis an institution responsive to the needs of the inmates, the Attica rebellion might not have occurred."

This concerns me deeply and I think you said a lot of good things today, but you are saying that Mancusi or the State of New York or someone must run an institution, a prison, responsive to the needs of the inmates.

Mr. JONES. Yes; I am. I am saying too, I think, to put that in its full context, I am saying an institution has to be run that is responsive, of course, to the concern of the public and that can be a debate as to exactly what the concern is and that is the issue I raised earlier, that concern to merely warehouse people and put them away and get them out of sight or that concern to rehabilitate them so there is likelihood they can come back and take a lawful place in society. That is one side of it.

The other side of it is that if one could just postulate as an assumption that it is a socially desirable objective to run an institution so that people can take their lawful place in society and they can be rehabilitated, it seems to me then an institution and the people who run it, the test of how well they will prepare these people for coming back to the society really is the extent to which they are responsive on a day-to-day basis to the needs of the inmates. Does that mean that every need absolutely has to be taken into account, no. I am assuming that there can be an exercise of rational mature judgment to determine that which is trivia from that which is really meaningful and goes to the very heart of whether a person can be a reformed citizen when he or she comes out of these institutions.

Mr. WINN. Maybe we have the cart before the horse. Until society decides what it wants from its prisons and what we can expect, then I don't say that the prison authorities and executives are wrong because basically they are doing what society has said is the way we want our prisons run; we haven't told them otherwise.

Mr. JONES. Unfortunately if what you are saying is right, then we are in a very sad period of time.

Mr. WINN. These are facts of life. We may not agree with them.

Mr. JONES. I understand what you are saying.

Mr. WINN. We kid ourselves when we call it rehabilitation. That is the biggest joke of all.

The CHAIRMAN. Mr. Mann?

Mr. MANN. Senator Dunne, I accept your suggestion that a major part of the problem could be solved by the upgrading of the quality of the correctional personnel with all that implies. Given your and my feelings for States rights and physical problems, what do you anticipate the State of New York is going to do with reference to the upgrading of those personnel and through the institution of training programs, the institution of continuing education for those of the system? Are they going to do anything or are they going to wait on the Federal Government?

Mr. DUNNE. They have already begun to move principally by reason of Federal funds which are made available for establishing a training program. We have not done enough. We passed a law in 1970 effective 1971 which would mandate training for all correctional officers and directed that the State provide these facilities. This has only been done in a limited-basis program that is now in effect training a representative from each institution with the view he will return to that institution and set up a training program. I believe that if we have leadership from the Federal Government, not financially but for prescribing standards, for the training of inmates, not just in riot control and handling of prisoners but in sensitivity training, I think that will be an impetus and as a lead, of course, we are going to look for some funding but principally where you want the Federal Government or I do is provide us with standards and goals.

Mr. MANN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Sandman.

Mr. SANDMAN. Senator Dunne, I am very confused as to several statements that you made. One has to do with you felt that most of the commotion was caused by some people who are persuasive upon others who ordinarily may not have wanted to revolt. And then at a later time in your testimony or in answer to questions you said you didn't feel those people had any effect upon this. I may be wrong in what I heard but I would like to hear your view of how you meant the first statement.

Mr. DUNNE. If I could understand the second statement. What do you mean—you paraphrased my statement that these people had no effect.

Mr. SANDMAN. The second thing I referred to had to do with questions you were asked as to what should be done with a person who was trying to incite people; should he be separated; should he be put in another place in prison. You responded and said he should.

Mr. DUNNE. That is correct.

Mr. SANDMAN. Later in your testimony you said you didn't believe these were the leading factors that caused the riot at Attica.

Mr. DUNNE. I think the principal contributing cause for the disturbance which started at 8:50 in the morning which escalated to the terrible tragedy in the next 4 days was due to the fact that there was such mass discontent and despair among the general population and that the catalyst here was the very persuasive exhortations by the militants or the leaders.

Now, I think that this threat is posed in every correctional institution. I think that we have got to find some way of reducing their effectiveness and I don't think—

Mr. SANDMAN. As to those people who did have this persuasive ability on others, in your opinion, if they were separated prior to the date of this happening would this have perhaps stopped the event from happening?

Mr. DUNNE. It may have prevented its escalating to the point that it did because—I came in the second day—I understand that it was really late on Thursday, which was the first day, that the group really developed cohesiveness and organized for the purpose of being able to carry on for the next 2 or 3 days. I think that this was due principally to the efforts of those who became the leading spokesmen for the inmates' cause.

Mr. SANDMAN. Yesterday there were two gentlemen who testified that groups are permitted to assemble within Attica and he named several of them. One was Black Panthers and one was Muslims and one was I think they called themselves Five Percenters. Is this correct?

Mr. DUNNE. Yes, sir..

Mr. SANDMAN. Did you find this to be so in your investigation?

Mr. DUNNE. That they gathered together?

Mr. SANDMAN. Yes.

Mr. DUNNE. Certainly.

Mr. SANDMAN. Are they permitted to have meetings together within Attica as far as you know?

Mr. DUNNE. Well, first of all, the Muslim is a religious sect and now fortunately we are making provision for their meeting and holding their services, but as far as Five Percenters organizing as a group and meeting, I am not aware that they are.

Mr. SANDMAN. They do not do this, to your knowledge?

Mr. DUNNE. Not to my knowledge.

Mr. SANDMAN. Now, I am in accord with your idea if it has anything to do with religious worship, then, of course, they certainly should be able to assemble on a given date of the week when they are going to worship.

Do you know of any assemblage of Black Panthers within Attica?

Mr. DUNNE. Formal assemblage, no. I well imagine there are a good number who follow the Black Panther line, yes.

Mr. SANDMAN. Do you know about any other groups that may be permitted to meet within Attica that have these people who are persuasive upon others?

Mr. DUNNE. No, sir; I do not.

Mr. SANDMAN. To the best of your knowledge they don't exist.

One thing that you said that I find awfully difficult to go along with is the fact that you said the prison farm is not conducive to rehabilitation. What do you mean by that?

Mr. DUNNE. Simply this. I am sorry, I should have developed it. Those of us who are from New York City recognize there are no farms in New York City and a diminishing number in the suburban area, so that if you are going to train someone for employment opportunities on the outside, to train young blacks or Spanish-speaking persons for farmwork, I think it is unrealistic in light of what awaits them on the outside.

Mr. SANDMAN. Is there any possible complaint about the living conditions on the New York prison farm? I have never been on one but I have seen them in other States and I found no objection to them.

Mr. DUNNE. Our farms are simply facilities to which the inmate goes in the morning and leaves and there is no residential facility there.

Mr. SANDMAN. He is under minimum security where he is almost at large?

Mr. DUNNE. While he is working.

Mr. SANDMAN. That is right.

Mr. DUNNE. But he returns—

Mr. SANDMAN. It is the last stage of his incarceration, is it not?

Mr. DUNNE. Not necessarily. It is not considered as some kind of halfway facility.

Mr. SANDMAN. Is it possible for a person in the State of New York to be convicted of a felony and sent directly to a prison farm?

Mr. DUNNE. We do not have any facilities known as prison farms. We have farms which are adjunct to or part of the program of most of our larger facilities but we do not have them known as prison farms. It is simply a part of the overall program.

Mr. SANDMAN. Let me phrase it another way. Is it possible in your State for a man to be convicted of a felony and sent directly to the minimum security—

Mr. DUNNE. We have no minimum security prisons in New York State. We have one maximum security prison and we have four lumber or conservation camps which are of the minimal security but the law requires that in New York State one sentenced by the court goes directly either to Sing Sing or Clinton or Attica for reception and processing. From there he is sent to one of the other facilities most of which are maximum security facilities.

Mr. SANDMAN. You called it by another name, but you do have farms in New York where you have the least amount of security.

Mr. DUNNE. Yes, sir; we do.

Mr. SANDMAN. Again the same question, is it possible in your State to be convicted of a felony and sent to one of those places, by whatever name you want to call it?

Mr. DUNNE. After being processed in one of the receiving centers.

Mr. SANDMAN. It is possible?

Mr. DUNNE. Yes, highly possible; it happens quite often.

Mr. SANDMAN. Now, as to the real grievances that you had within Attica, are they not the same kind of grievances that you have in every maximum security prison where overpopulated?

Mr. DUNNE. Very much so. But let the record show that Attica was not overpopulated.

Mr. SANDMAN. What was Attica? Attica had 2,200?

Mr. DUNNE. It was close to. But every man had his own cell. It was under 100-percent capacity—not by much.

Mr. SANDMAN. Then it is not as bad as most of the maximum security prisons which are overpopulated?

Mr. DUNNE. Outside of New York State, I would guess not. But in New York State we do not have an overpopulation problem in any of our State-operated sentence facilities.

Mr. PHILLIPS. Are you aware that Mr. Mancusi contended it was? He had stated that he had up to 1,600 rather than 2,200 and he did not have jobs for the rest? To the degree that that exists, he was overpopulated. He wasn't overpopulated in cells but overpopulated in facilities.

Mr. DUNNE. Absolutely it is; but it is an example of our programs failing to keep up with the people who are in these facilities.

Mr. SANDMAN. If I can continue. Most of the testimony that you gave, Senator, you used the word "I think." Now, I would like to get a little more specific. You said this thing was originally caused by lack of communication between the inmates and those who had authority to make corrections; is that correct?

Mr. DUNNE. In my judgment, yes, sir.

Mr. SANDMAN. All right, now, having made such a broad statement, can you please give the committee a concrete bit of evidence that you base that conclusion upon?

Mr. DUNNE. I think the best evidence, sir, is the fact that Commissioner Oswald was so willing to make so many concessions to the demands made by the inmates and which most objective observers considered to be legitimate demands, and I think that that is the best evidence, the fact that there had in truth been a failure to communicate these legitimate demands to the attention of the authorities.

Mr. SANDMAN. Along with all of the other grievances, you have testified yourself there was nothing wrong with the food. You have just stated that the place was not 100 percent capacity. Do you know of any instances where any prisoner was mistreated, where he was beaten or something like that?

Mr. DUNNE. There are sufficient claims——

Mr. SANDMAN. Do you know of any?

Mr. DUNNE. And there have been sufficient number of concessions made to me over the years in which I have been involved in this matter to know that there have been beatings and abuse of inmates but not pursuant to a policy of the department. I make that perfectly clear that I have never known of any policy of the department condoning this activity. I believe that what incidents there have been have been due to plain human error, understanding the weakness of men who have had to fill this very difficult job.

Mr. SANDMAN. From the best information available to you, if such a thing happened, from what you have been able to observe in this system, would it be corrected under the present management of the present system. If there were such things as beating of prisoners and mistreatment of prisoners, under the present system in the State of New

York and at Attica, for example, would this situation be corrected in your opinion?

Mr. DUNNE. I believe under the direction of the new commissioner I would be convinced it would be; yes, sir.

Mr. SANDMAN. One last question.

The main thing here, and I am in accord with what you said and what the others have said, the basic problem here is loss of communication, which is almost always the case.

Do you know of any specific instances, since you have probably been the closest one to this particular problem, where suggestions for improvement were made to those in authority and totally discarded by those in authority?

Mr. DUNNE. Mr. Sandman, I will give you my own personal experience. Three years ago I was privileged to be in Leavenworth and to go through that facility and I recognize you have problems out there. Upon my return I wrote a personal letter to the New York State Commissioner of Corrections embodying half a dozen proposals based upon what I observed in that facility run by the Federal Government. I never had so much as an acknowledgement of that letter.

Now, if my proposals receive no attention then I well imagine that some guy sitting on a tier in Attica or Clinton is not going——

Mr. SANDMAN. That is not a responsive answer.

Mr. DUNNE. It certainly is.

Mr. SANDMAN. I asked if you knew of one case, one case. And you can't give me one.

Mr. DUNNE. I am giving you my own experience.

Mr. SANDMAN. You are giving me your own. I am talking about the inmate inside of the institution who has requested something to be done. I have asked you to give me one case where someone in authority turned his back on a suggestion.

Mr. DUNNE. I have innumerable cases which have been brought to my attention which I have channeled to the commissioner of corrections up until the new administration and they have totally ignored and disregarded. Excuse my giving my own personal experience but it seems to me we might relate a little better on that basis.

Mr. SANDMAN. I can understand your feeling. I was a State senator myself. I was responsible for a big bond issue which would have torn down the most miserable prison ever built and replaced it with a new one. After I left the senate changed the design of the prisons so I feel real bad about that too.

The CHAIRMAN. Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman.

I have one question too and I address it to all three of you.

As a result of the riot at Attica, in your opinion, from the studies of congressional committees and State commissions, do you feel any concrete meaningful solutions and suggestions are being listened to and are they being acted on? Start with Senator Dunne.

Mr. DUNNE. As you may know, the Governor and the legislative leadership with bipartisan support appointed a select committee on corrections and problems of corrections. That is the committee chaired by Hugh Jones and the present State bar association. We are giving very close attention not only to the demands which were raised at Attica but at a great many other proposals and I am sure we will have

something quite significant to report within the next 30 to 60 days. Yes, we are giving close attention to these proposals which I think we are going to have some sort—

Mr. MURPHY. How about you, Mr. Eve. Do you feel that after these studies are completed and the reports are filed and compiled anything meaningful will come?

Mr. EVE. I think one of the members made the statement about the general attitude of people, what they think prisons are for. I think New York State legislators are like any legislature, they respond to their constituency and I hope that the citizens of the State of New York, the average citizen will realize most men in penal institutions will eventually get out and when they come out the question should be how do we want them to come out, and I hope they will feel they have the vested interest in that man coming out rehabilitated, not dehumanized, as the inmates stated, but someone sensitive to human life, human property and to human needs and that he will come back and be a personal part of the community, a very productive citizen.

I just ask everyone who has these negative attitudes to ask how would they like their son or daughter to be treated if they had to do 5 years and how would they want them to return to them when they have completed their sentence, and I think if we can get the average citizenry to put themselves in a personal aspect, I think we can make fantastic changes in our State. But I hope that the Attica massacre would not have been in vain but we will go about making these institutions what they should be. I feel they can make some changes. I know the commissioner. I met with them yesterday, and I am very optimistic about his attitude and his work as to making some changes.

Mr. MURPHY. Thank you. How about you, Mr. Jones.

Mr. JONES. I think that if Attica achieves nothing else, certainly from the tragic events there that the proposals for prison reform, for better correctional administration, I think that they are being listened to. From my standpoint, however, I would have to say it is too early to say as to the extent to which there will be any action on the numerous proposals or any action taken by the various committees and sub-committees that are considering the aspect of prison reform in New York City or New York State.

Mr. MURPHY. Thank you, gentlemen. I yield back my time.

The CHAIRMAN. Mr. Keating.

Mr. KEATING. Yes. Senator Dunne, are you familiar with the new facility that the Federal Government is going to put in New York City?

Mr. DUNNE. Only slightly, Mr. Keating.

Mr. KEATING. It is my understanding that while I think we can generally agree the Federal Government has been the most progressive in this area and maybe because they have had the funds to do so, the facility that they are building seems to have a lot of merit and a lot of justification. This one will be in the city, will be next to the courts building, as I understand it, will contain 400 or 500 people within it with no more than 50 on each range, which will provide what I believe to be the goal you have described here today of direct communication between the guards and correctional workers and the prisoner himself. That communication by getting to know something

about the prisoner, something about his background, will work with him and understand some of his particular problems.

Is this the kind of a goal you are trying to achieve in the prison system?

Mr. DUNNE. Basically it is. One based upon the size of the facility and also it has to be more community based. I think we have got to stop putting these facilities out in the country far removed from where the problems are which generate the population for these facilities.

Mr. KEATING. They are also going to, as I understand, put a magistrate within the prison that they are building so they can have hearings right within the prison and reduce the problems of transferring prisoners and so on and, of course, there will be no bars, all will have plastic glass. I think that is not too novel at this stage but at least that is my understanding of what this facility will contain.

I was impressed with the idea that they are planning extensive training of their guards which you suggested, that they will have a small number on each range and they are going to encourage knowledge of the individual prisoner with people who must work in day-to-day contact and handle the grievances so they will be more than a guard, more than a correctional officer. They will work closely with him, to aid him in solving his problems. What concerns me is the weakness that I find in the Federal system and many of the State systems in the use of vocational training.

Is there any program you know of where industry has been brought in to work with the prisoner, not on work release but in the practical day-to-day vocational training for those prisoners who have not achieved the confidence of the correctional system to participate in work release or furloughs?

Mr. DUNNE. Gentlemen, Mr. Keating, in cooperation with Commissioner Oswald and former Commissioner McGrath in New York City. I and my committee have been working with a number of large industrial concerns who recognized a need for skilled and semiskilled workmen, and we are presently—I don't think we are ready to talk about it publicly—but we are working on a program whereby the companies will come in, set up and equip a facility not only with machinery but also with the instructors, and they will add that additional essential ingredient, a specific commitment for a number of jobs for people who complete the training course and are released. I think this is an essential. It represents to my way of thinking real community involvement and community muscle, specifically the dollars and resources of large businesses. I think that is the direction we have to follow.

Mr. KEATING. Make-work projects are not good enough. Industry can make a commitment for jobs and train the prisoners realistically for jobs that will be available to them, 2 or 3 years down the line, whatever the case may be for that individual prisoner.

Mr. DUNNE. You have business coming in and training people for specific work for which there is a real opportunity on the outside. I don't mean to make them indentured slaves but to really give them—

Mr. KEATING. I hadn't thought of the indentured slaves but I am thinking of jobs that will be available and for which there will be a need and for job placement and possibly working out of a halfway

house which the Federal system uses fairly extensively to wean them back into society.

Mr. EVE. Last year I went to Albany. They had a riot there, and they were building a gymnasium, and I asked why couldn't inmates build this gymnasium, why couldn't they be trained in the various crafts. The State of New York I was told by the correctional people that the unions would not let them train men in construction. I know Charlie Rangel is from Harlem and I am from Buffalo. We could use some more men, carpenters and brickmasons, and have been trying for a year and a half to get a black contractor electrician to come and put in a 220-line. Those men, the crafts that we feel we need in the area to rebuild them along and I think if these States are going to be really concerned about employment opportunities they have to have the guts to go in and train these men in the jobs where there is a very needed market because in the State of New York we import thousands from all over the world and from out of the State every year to work on construction sites because we don't have sufficient men in our State. And I think it is very hypocritical when we have men in really isolated situations where we could test them, see if they were adaptable for that kind of work and train them in the various construction fields, and I think we have to have guts to do it.

Mr. KEATING. I have run into situations where the painting of facilities and the rehabilitation of the jail are the concern. Many of the prisoners would like to improve conditions under which they live but are prevented from doing so because they are not members of certain craft unions. This is a problem. It would reduce the cost to the taxpayer. One of the questions raised when there is a bond issue or tax levy for improving the prison facilities is simply, "Can the inmates themselves contribute their own labor for maintenance?" Most are willing and of course some are not, but they are prevented from doing so because of contracts and agreements with the unions.

One item mentioned yesterday was conjugal visits. I understand the Federal system uses furloughs to accomplish the same thing and I am beginning to think that when a person has received or attained the position of confidence of the system itself, furloughs might be the answer in this area as opposed to conjugal visits, certainly less costly to the taxpayer.

Mr. DUNNE. Yes; our committee conducted a series of public hearings and investigations into that question. You have basically these problems of conjugal visits. About 22 percent of the inmates in New York State institutions have a legally recognizable marital relationship. So it poses the problem.

Mr. KEATING. A very small percentage.

Mr. DUNNE. It certainly is. And if you are going to have conjugal visits are you going to restrict them to this small group or allow common-law relationships which our law in New York State no longer recognizes? But most telling at the hearings we held, we had the families of inmates and they said, almost unanimously, "We do not want any part of conjugal visits." If the system is going to do something for us, do it for the families of the inmates, do not do it just for us for some animal purpose. Do it to try to restore that family unit and our committee has recommended and I think Commissioner Oswald

is favorable toward the idea of having furloughs. We will have to have legislation for that purpose, but I think it is a sound idea.

Mr. KEATING. They use a figure of 25 percent in the Federal system, and they use that rather loosely. They include common law and every other kind of similar relationship, and I think they only get up to 25 percent, so it is a very small percentage that have any kind of a marital contract at all.

I yield back the balance of my time.

Mr. BRASCO. If I may change the subject matter for a moment, I know that you gentlemen were members of the negotiating team, the civilian team, that went in to negotiate with the inmates with respect to the demands that were being made. Interestingly enough, at the time of our visit to Attica I spoke to a number of inmates, I had been told that if it had not been for some of the civilian members who were part of the negotiating team acting in a way, either consciously or subconsciously, which was obstructionist, that the demands could have been accepted and the riot done with. And also yesterday one of the inmates who testified here before this committee, who was in the yard at the time, said the exact same thing, that if it were not for several members of the negotiating team the demands would have been accepted and the riot over with.

I am wondering, Senator Dunne, whether or not you would agree or disagree with that because I think the question of civilian teams going in to negotiate over and above and beyond responsible public officials who were designed to be in control of institutions generally, whether or not they should be superseded, is one of the important things we have to decide for the future.

Mr. RANGEL. Would the gentleman yield? I want a clarification on the question. As I understood it, the inmate that testified yesterday did not participate in the negotiations and actually left the prison before the riot. Is that correct?

Mr. BRASCO. Well, I do not know whether or not that is correct.

Mr. RANGEL. The one that brought out Officer Quinn.

Mr. BRASCO. The recollection I have, and I am speaking from personal conversation with inmates, not only the fellow who testified yesterday, but from personal conversation with inmates when I visited Attica, and from what this gentleman said yesterday, he stated clearly that in his opinion, some of the civilian team caused more problems than they solved, and I am wondering whether or not you would agree or disagree with that?

Mr. DUNNE. I would not agree entirely with it. I would make this proposal though. I do not think that we should reject for all time the idea of a citizen observer team going in to negotiate in that situation. I think any reasonable means to save human lives is proper. However, I think if we are to do it in the future we should do two things. It should be a smaller committee and it should be a committee with a clearly defined responsibility. I think our failure as a team was that at no time did we have an understanding among ourselves and with the authorities as to what role we were to play, whether it was to be negotiators, whether it was to be conduits between negotiating parties, namely, Commissioner Oswald and the inmates, or whether it was to be a spokesman for the inmates' cause.

I think if we do this in the future we have to know who we are, what we are supposed to be doing, and I think there should be less of us.

Mr. BRASCO. Would either of you gentlemen, Mr. Eve or Mr. Jones, care to comment on that observation?

Mr. EVE. I would say as I stated previously before you came in, that the inmates in that yard knew what they were doing and I do not believe that anyone in that group could be employed negatively or positively in any particular way. In my own opinion, I think they were sophisticated enough to know what they were doing. There was very, very diverse elements in that yard. The inmates provided us security when we went in because I am sure at one time or the other there were people in there who may have been so emotionally upset over a number of things even our lives could have been in danger. So I think that pointed up the very diverse elements within the yard. But it is my position and the position of 19 Observer Committee members who met afterward, that no member, no member contributed one way or the other negatively to the negotiations.

Mr. BRASCO. Mr. Jones.

Mr. JONES. I would say clearly that the inmates themselves in dialog with the leadership, that they had for making the final decisions at all times. I do think, however, that was not the unanimity or consensus of understanding on the part of all members of the Observer Committee as to exactly what their role was. Now, the fact that such an understanding may not have existed at least from my point—

Mr. BRASCO. Could that have produced a negative role rather than a positive one?

Mr. JONES. It could have. Whether it had or not that is going to remain a factual question. I think this: Some members of the Observers Committee took a rather narrow pragmatic approach, how do we settle this, and that is the extent of the concern. Others felt that, of course, is something that should be done but in addition to that is they had to have sufficient dialog with the inmates, (1) to gain and to keep their confidence, and, (2) to indicate to the inmates that they had a definite understanding with the anguish they are going through, and I think in these instances possibly at times some members of the Observers Committee may have felt it was a greater thing to do to demonstrate to the inmates their forthright support of the inmates and in doing that you know in the heat of, shall we say fatigue, tension, some of the action could have been misconstrued. Now, I do not want to leave any impression there was any desire, that there was any—

Mr. BRASCO. I did not say there was. Let me ask you this. Also there was indication from, again speaking with the prisoners individually and from the gentlemen who testified yesterday, that by and large the inmates themselves other than the inmate negotiators did not know what was going on.

I spoke to some people who said if all the inmates knew 26 or 28 of the demands were agreed to they would want out but there was a stranglehold or a hold by the leadership of the inmate population that prevented that.

One of the things that at least buttresses the opinion that not everyone in the yard knew what was going on, as I understood being at

Attica, that the loudspeaker system was not the best one and that the agreement in which the 26 demands were agreed to and signed by Commissioner Oswald, there were only, I think, a dozen or so copies of them so that they could not even be handed out to the inmates.

Mr. EVE. Right. Clarence Jones read those demands off that night. I asked Clarence to read them off. Because we went in first with Bobby Seale and the commissioner said if Bobby leaves all of us leave and we had limited copies that we gave at the table and then we dropped them on the table and Bobby left and we all got up to leave with him. Clarence read them out, all 28.

Mr. BRASCO. The point that I am making in the thrust is that everybody seems to indicate and the newspapers indicated at that time the inmates in cellblock D were acting with completely unanimity, complete agreement, there was a cohesive unit, they knew what they wanted, and speaking to inmates personally I did not get that impression. When the gentleman who was in Attica at the time testified yesterday he clearly said that yesterday, if I remember his statement, that 900 of the 1,000 or so or maybe even more than that wanted out of the yard, and I am wondering whether or not that was so and whether or not you could give us any insight as to the leadership negotiating for themselves. I got the distinct impression the leadership negotiating for the inmates were leaders in riots in the Tombs and Auburn, and that they were longtimers and they had more to negotiate about for themselves rather than the general inmate population.

Mr. JONES. I have to say that I have no basis and I do not know whether any of the other members of the Observers Committee have any basis, but I would have no basis for making a judgment as to whether or not 900 or 100 or say 1,000 fully knew what was going on.

I do know that the 28 demands I read very slowly over the loudspeaker system. I did think in my mind at the time that as to whether or not the system was working effectively. But the nature of the negotiating process was that the Observers Committee had their discussions with the leadership of cellblock D and when it came to the critical question of at least trying to communicate to the entire yard in cellblock D that was the purpose for my reading the entire demands so that everyone ostensibly would hear. If we find out later that the public address system was not working, that raises another question.

Mr. EVE. There was no question in my mind that the public address system was working. That yard was very quiet and I think you will agree. Clarence, the yard was very quiet and you could hear, there was complete silence. They gave them better attention than I have received in public speaking gatherings. The yard did in fact hear. As far as it being a longtime champion who was supposed to go on parole this month, November, he will go before the board next year, so you know the fact that these men are lifers that is not founded and I think Senator Dunne is familiar with the sentence and their term. It may be one or so but I think the men who exercised the greatest degree of leadership were not the long timers you are talking about.

Mr. BRASCO. Thank you.

The CHAIRMAN. Mr. Rangel.

Mr. RANGEL. If you had the opportunity to observe several groups collecting together in conversations at Attica or any other institution, would you be able to determine whether they are Five Percenters, Black Panthers, Young Lords, or members of the John Birch Society?

Mr. DUNNE. Not necessarily, no.

Mr. RANGEL. So that it would be very difficult for anybody else to determine merely because groups are talking with each other in the yard what their political belief would be; is that so?

Mr. DUNNE. I think more than just a conversation would have to be analyzed; yes, sir.

Mr. RANGEL. Assemblyman Eve, some suggestion was made by my colleagues as to the importance of the presence of black or Puerto Rican correction officers in connection with their impact in the area of communication. It has been my experience here in Washington, D.C., that 13 black Congressmen have not been successful in changing certain attitudes among our colleagues but certainly our mere presence on certain sensitive committees has prevented these views from being expressed openly. Have you had the same experience as a member of your New York State Assembly?

Mr. EVE. Yes.

Mr. RANGEL. It is a method of communicating.

Mr. EVE. Yes.

Mr. RANGEL. One of my colleagues wanted to pull the sheets off hypocrisy as it exists with New York State, indeed the national prison system. Mr. Jones, you are a lawyer as well as the publisher and editor of the largest black newspaper in this country. Since we are dealing with hypocrisy, do you believe that if the United States was sincere about eliminating the importation of narcotics into the United States that we have the political-economic-military power to do so.

Mr. JONES. No question, I certainly do. I certainly do. In fact, I was interested in reading in the paper maybe several days ago that agreement apparently had been entered into with the Turkish Government in which essentially we were going to subsidize in the form of aid about \$35 million a year, I think, in addition to the \$100 million of economic and military aid already allocated to that country. It is a question and to put it the way I put it almost sounds foolish, but it really is a question of national commitment and I know the example is used over and over again, so I will have to use it again, but if the National Government of the country can determine as a matter of national priority that we want to put men on the moon to bring back 18 or 21 pounds of rock, I am convinced that we can decide that the inflow of heroin can be stopped in this country.

It is a matter of survival for the urban centers and I just think that the Congress has to become sufficiently aware so that the National Government will say to those governments who clearly have a responsibility for the narcotic traffic of saying you either stop the traffic or some form of sanctions are going to be imposed. If it is not done then what the Congress is doing implicitly is recognizing that they are permitting an infectious disease to spread, and they know the source from which it is coming and only when it reaches greater epidemic proportion than it is right now will I suppose we will be prepared to do something about it. So in brief, in answer to your question, yes, there is no question in my mind. In the absence of any national com-

mitment I have to view with some suspicion bordering on a feeling that certain hypocrisy exists with respect to our attitude on this question until we make a national commitment that it is just as important to rid our country of heroin addiction as it is to bring back 21 pounds of rock from the moon.

Mr. RANGEL. As an editor and publisher of a responsible national newspaper and in the absence of any active commitment in connection with stopping the inflow of drugs into the United States, notwithstanding the fact we know the center where these drugs are grown and cultivated and indeed trafficked, would you be in a position to state that America is involved in the conspiracy of aiding and abetting international traffic of drugs by its act of omission?

Mr. JONES. I would have to say that.

Mr. RANGEL. As an attorney, in order to talk about some of the hypocrisy that exists in seeing people get into jail, is it not a fact that in the State of New York judges have used the question of bail as a method of preventive detention rather than to assure the fact that the defendant would return to court when his trial came?

Mr. JONES. Unfortunately, Congressman Rangel, that is a fact.

Mr. RANGEL. Is it not further a fact on the question of bail the judges in the city of New York are influenced by the available space, informed by the commissioner of corrections as to how much space they have in the house of detention, in determining whether or not a prisoner goes on bail or whether he returns home?

Mr. JONES. That is a factor and it is a factor which unfortunately exists and in fact you are citing factors which are involved in the whole process which can best be described as negotiating justice.

Mr. RANGEL. Let us talk about negotiation. Is it not a fact that most of the judges in our criminal courts hypocritically ask a defendant who has pleaded guilty whether or not any promises have been made to him when in fact the judge participates in the promise through the district attorney and the defendant's lawyer?

Mr. JONES. That is a fact.

Mr. RANGEL. And is it a fact further, that the district attorney so advises the defendants and their counsel that if they go to trial and are found guilty that their sentence will be more severe?

Mr. JONES. That is a fact and in fact the very things you are pointing out I think were so beautifully and so eloquently made a study of a monograph by Newsweek magazine when they made this study of the system of justice in our country and that took a case, I think it was called the *People v. Payne*, and they conducted indepth analysis of the whole process of what is called negotiated justice; that is, the defendant is forced by a series of things, even if he is clearly not guilty, he gives up and he negotiates his justice and judges participate and district attorneys participate in it. So it is no wonder that you have such cynicism and such bitterness on the part of inmates in our prisons about the very process that put them there in the first place.

Mr. RANGEL. Well, as a lawyer and former counsel to the late Martin Luther King and a student of our Constitution, how do you explain the concept a man is in fact innocent until he is proven guilty when in the house of detention in the city of New York we have prisoners who have been waiting for 2 and up to 3 years for trial?

Mr. JONES. You cannot explain it except that you have to say that under our Anglo-American system of justice, under our criminal system, the presumption is that a person is innocent until proven guilty, but the fact of the matter is, while that is a theoretical concept, the practical application of that concept, or as one can say, majesty of the law is not so much in the precepts that are etched out of the stone as you walk into a courtroom, be it a State or Federal court, but the majesty of the law is how it is applied in the concrete specific case so at any time you have men and women who are in prison for trial, for such an extended period of time, so that the period of their confinement really can only be viewed by an outside observer as saying well, they have got to be found guilty of something. In fact, I do not know the specific case, but I know that the Federal system and some of the State courts have instituted a procedure in which they have actually put a time limit, if the person has not been brought to trial by a specified time then the prosecuting attorney is forced to drop the charges, in fact, and not to prosecute, and that procedure is really instituted to force the system, not to keep these people prisoners during a period of time when they should be given the maximum opportunity to prove their innocence.

Mr. RANGEL. Well, if a poor person, black or white, finds himself a victim of this so-called negotiated justice, could not he in fact be legitimately described as a political prisoner?

Mr. JONES. I suppose, Congressman Rangel, that if you are a disadvantaged person and poor and black and you are in the system that you have described in your questioning, and if you are in that system where you cannot get effective representation, where you have to really negotiate, I mean your justice with the prosecuting attorney, and if that process happens over and over again so that statistically it happens to too many people who are black and too many people who are poor, then one has to look at the statistical accumulation of all of the times this has occurred and say that if this is one of the consequences of the way the system acts, and the system has ideas and precepts which state very eloquently otherwise, that irrespective of what motive one wants to assign and say, well now, a judicial system really will not intend to do this, nevertheless, the net result is to hold people who are in that situation as political prisoners.

Mr. RANGEL. I am afraid my 5 minutes are up, and I would like to thank each and every one of you for coming here today.

The CHAIRMAN. Thank you, gentlemen. I would just like to ask you two questions. First, is it your understanding that the inmates by demanding amnesty intended to include in that demand freedom from prosecution for any assault upon any individual which may have been committed during the course of the disturbance?

Mr. DUNNE. Yes.

The CHAIRMAN. The reason I asked that is in talking to some of the inmates while we were there, I got the impression that they did not intend to go that far in their demand, and one or two said to me that they would have been satisfied if a deputy or U.S. marshal could have been put into the institution to protect them against any retaliation after the disturbance was over.

Would each of you briefly comment on that?

Mr. EVE. Being there the first day, that was one of their five demands, the Federal takeover, and it was discussed about Federal marshals, and so forth. That was suggested even on the very first day, sir. The other thing is that the amnesty thing on Sunday, I remember Bill Kunstler discussing this even with the commission, that the men who were considering at that time talking about not amnesty but maximum sentencing of 20 or 30 years, if someone was found guilty of the Officer Quinn situation. So it was a matter of time. I think what all of us were asking for was a matter of time before they could work that particular problem out among themselves and the yard. We felt another day or two would have resolved that question.

Mr. JONES. Yes; I think that there were clearly some inmates when they spoke of amnesty they spoke of amnesty meaning total immunity and forgiveness from any form of criminal prosecution. I think that the essence of what the overwhelming majority of the inmates appeared to be concerned about was retaliation, you know, was retaliation within the Attica facility for any of the acts which they had committed. When I use the word "retaliation," they are talking not about some theoretical things which in administrative proceedings would be brought against them though that was very important. They were concerned about the day-to-day protection as to whether or not a guard who might have really had it in for them after this was over, whether that guard would be able to in any way exercise any form of physical abuse against them. I think that was the real concern.

Mr. DUNNE. Yes; in light of concession 3-C made by Commissioner Oswald, there can be no question that the unresolved issue of amnesty related to criminal prosecution for physical acts of violence against other individuals. And on the second point I think that, I hope we will be spared a recurrence of Attica, but if we are planning to confront such a case, I think we ought to make provision for setting up immediately upon the retaking of a facility, a commission such as Mr. Jones served on, an independent committee to be there to observe and to see that everyone's rights are protected from the moment the facility is regained.

The CHAIRMAN. Thank you.

The second question, if you will just give me a brief answer I will appreciate it.

Yesterday Mr. Wilson of Buffalo, who operates an agency called TACT, which is financed by the model cities agency of the U.S. Government, and is for the purpose of trying to find jobs for inmates who are released getting back into society again, made a rather favorable impression upon me because I have a feeling there is a great need for that kind of a service to those who are getting out.

Do you gentlemen, from your experience, recommend that kind of thing, or do you have some other suggestions as to what can be done to provide adequate assistance for people who are being released from prisons today?

Mr. JONES. I very much commend that kind of thing, Mr. Chairman; and second, is that I think that if a State or if our National Government, State governments, seriously are concerned about the question of rehabilitation, part of the rehabilitation means that you are going to plan for that period of time when the inmate is out of the prison, and in order to plan for this, one has to concretely design those em-

ployment opportunities so that at a minimum when a person comes out of the prison he can sustain himself so that irrespective of what other pressures he may have on him, he does not have to say, "Well, I have to go commit a robbery because I cannot get something to eat, I cannot pay the rent."

The CHAIRMAN. Thank you very much.

Mr. EVE?

Mr. EVE. I have worked with Jerry and referred a number of cases to him and Mr. Wilson. I think it is an excellent program. I think we must do something with halfway houses because the men in our areas have a very difficult time finding a place to stay so we must deal with living quarters also.

The CHAIRMAN. Thank you very much, Mr. Dunne?

Mr. DUNNE. I think it is an essential. As many ex-cons have said to me, Senator, if you think going to prison is tough, getting out is even tougher. And I think organizations like that must be maintained.

The CHAIRMAN. On behalf of the committee, I want to thank you gentlemen for coming here and for the valuable contribution you have made today.

The committee will take a recess until 2 o'clock, at which time Mr. Oswald and Mr. Dunbar will be our witnesses.

(Whereupon, at 12:55 p.m., the hearing was recessed, to reconvene at 2 p.m. the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order, please.

We have two very important and very distinguished witnesses constituting a panel at this time, Mr. Oswald and Mr. Dunbar.

Mr. Russell G. Oswald is a native of Wisconsin. He took his liberal arts work at the University of Wisconsin and received a J.D. degree from Marquette University Law School. He has a master's degree in psychiatric social work from Loyola University. He began his career in social work as a caseworker in Racine County Welfare Department in Wisconsin, later serving as director and supervisor of county public assistance agencies in the Milwaukee region. He was also police commissioner in Racine, Wis. In 1948 he was appointed director of the Wisconsin Bureau of Probation and Parole and in 1950 became director of the State's division of corrections. He left Wisconsin in November 1955 to become commissioner of the Department of Correction, Commonwealth of Massachusetts, where he served until June 1957 when he was appointed a member of the New York State Board of Parole. In September 1958, by vote of the board membership, he was elected as chairman of the board of parole. He was reappointed and reelected chairman in 1962 and again in 1968.

Mr. Oswald was a lieutenant in the Navy during World War II. In 1957 he was awarded the Pere Marquette Award from Marquette University for his contributions to human welfare, also a distinguished service award from the Wisconsin Service Association, 1956, and one in 1959 from Loyola University—Chicago. He is a member of the Wisconsin State Bar Association, Alpha Sigma Nu, National Jesuit Honor Society, the board of trustees and the Professional Council of the National Council on Crime and Delinquency.

A licensed and certified social worker, he is a charter member of the National Association of Social Workers. He is also on the board of directors of the American Correctional Association, the Joint Federal Commission on Correctional Manpower and Training, Governor Rockefeller's council on drug addiction, cochairman of the Governor's Committee on Offenders, a member of the Blue Cross board of directors and the board of governors of Albany Country Club. He is on the board of the Albany United Fund, American Red Cross, and was recently elected president of the New York State Welfare Conference.

Commissioner Oswald is a member of the visiting committee of the Graduate School of Criminal Justice of the State University of New York at Albany, a member of the advisory committee of the graduate school of public affairs and a lecturer at that school.

When Governor Rockefeller appointed Mr. Oswald commissioner of the correctional institutions of the State of New York, the Governor made this rather significant announcement, and description of Mr. Oswald: "Russ Oswald, a specialist in parole and rehabilitation, brings to this challenging new assignment an unmatched combination of professionalism, administrative experience, and human understanding."

And the Governor expressed a great confidence in what Mr. Oswald was able to accomplish in the State of New York.

Publicly I want to express great gratitude on behalf of this committee and myself for the most gracious consideration and kind hospitality which Mr. Oswald and his deputy, Mr. Dunbar, extended to our committee when we visited Attica shortly after the disturbance there this year.

Under trying circumstances, Mr. Oswald was also kind and co-operative in every way possible and our committee was very much impressed by his confidence as well as by his poise and his strength of character and purpose with respect to the problems he had to face there at that difficult time.

I will not at this time present Mr. Dunbar because I am leaving that to a member of the committee from Mr. Dunbar's State who is a friend of Mr. Dunbar, and who would like the privilege of introducing him.

Mr. Oswald, we will invite you, if we may, to make any such statement as you would make and then the members of the committee will inquire. We are happy to have you.

**STATEMENTS OF RUSSELL G. OSWALD, COMMISSIONER, NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES, ALBANY, N.Y.: AND
WALTER DUNBAR, EXECUTIVE DEPUTY COMMISSIONER**

MR. OSWALD. Chairman Pepper, distinguished members of the Select Committee on Crime, ladies and gentlemen. I want you, Chairman Pepper, and members of the committee, to know the great respect we have for the way this committee has worked with us. We felt that you were very properly inquisitive and certainly supportive and understanding at the time you came to Attica.

Over the past 4 or 5 months, tragic disturbances in American prisons have brought about new and critically serious public attention to the needs of correctional systems throughout the country. The needs of

the correctional facilities and of the human beings who are both confined within them and serve as employees within them will no longer, I hope, be overshadowed—hidden from view—by competing and never-ending demands for still more super highways or wasteful empire building at the society's expense. The American public now knows about the American correctional system. And the American public is now determined to act to correct the deficiencies of a long neglected and critically important function of our society.

However, it is entirely too simplistic to suggest, as is the current vogue, that all prisons are failures. So-called recidivism statistics are handled loosely. Is it not expecting too much for correctional systems within a very limited period of time, an average of 2 years, to remake what society has fashioned for the previous 15 or 20 years through poverty, poor housing, illiteracy, limited opportunity, unequal education, and job opportunities.

It is my fervent hope that the tragedy and agony at Attica never again occur—in the State of New York or anywhere else. But I urge you this afternoon to join me in thinking about the future: what we mean by a professional and competent correctional service; how we can increase this competence in working together; and what it would mean for the offender, and the correctional employee nationwide, as indeed, for citizens throughout the United States.

It will help for our purposes here today to provide you with some background to the present status of correctional services in New York State.

At the direction of Governor Rockefeller, and on the basis of comprehensive study and recommendations, the New York State Department of Correctional Services was implemented as a new department on January 1 of this year through action of the New York State Legislature. The new department brought together the then-existing department of correction and the division of parole, formerly located in the executive department. The new legislation was designed to provide greater flexibility in the operation of the State's overall correctional process, improve the management of correctional services by providing a continuum of service from confinement through parole, and to prevent crime through extensive and varied efforts to rehabilitate the criminal offender. By law, the purpose of the new agency is "to protect the public by aiding in the prevention of crime through effective and efficient correctional programs."

The new department is a large one—consisting of 14 major correctional facilities, two hospitals, and four correctional camps for youths. In addition, the department supervises, on parole, criminal offenders statewide. Within this network of facilities and field programs, we supervise a total of 15,468 offenders in the confinement setting and 15,000 under parole supervision. Incidentally, you may be interested to know that approximately 2,500 have come to our department from the badly overcrowded New York City correctional system. Of the total population of offenders under our supervision, 68.2 percent are nonwhite, the average age is 25, and 85 percent of our offenders come to us with less than a high school education. As most of you might well imagine, fully 62 percent of these offenders come from the New York City metropolitan area. The following and final statistic will be of particular interest to you: 50 percent of our total offender popula-

tion has been committed for crimes against the person—including murder, manslaughter, assault, and robbery. All major institutions in New York State have a corps of avowed revolutionaries admittedly more interested in breaking the system than in seeing rehabilitation programs developed. It seems to me that one of the greatest things that is needed in almost all correctional systems is the teaching of some kind of discipline to people who most of their life have lived without being subject to adequate discipline, and I do not mean the kind of discipline which is rigidity, tight regimentation, but I mean the kind of discipline which will lead ultimate to self-discipline for self-discipline is the only way, it appears to me, one can successfully do his own thing.

Over 9 months ago, the new philosophies, goals, and specific program objectives for a modernized correctional service in New York State were formulated through my office as a blueprint for the future. Simply stated, we want to provide the best possible opportunities for criminal offenders committed to our care and treatment to return to normal lives in a normal society, and while under our jurisdiction, to provide them, our employees and the community-at-large with the safety and security required while this adjustment takes place. Our commitment is that of fairness and firmness to bring about a change in those who want to change and a secure, humane confinement for those who are not interested in change. We will provide the opportunities for the further growth and development of every offender committed to our care. As we all know, the change must come from the man himself.

The road ahead to a fully competent correctional service throughout the country is not only long—it is complex and difficult. Corrections officials face common obstacles that must be overcome. To illustrate:

We must protect the public, restore the offender, and do both at acceptable cost, constrained necessarily by limited public funds.

We must minimize the damaging influences of incarceration, reduce unnecessary custodial constraints, and control safety and effectively an increasing number of violent and militant offenders.

We must utilize the resources of the community in restoring the offender to a crime-free and effective life, and do this especially in urban communities that are financially starved, politically troubled, overcrowded and uncertain as to their own future.

These do not exhaust the list of obstacles facing the department of correctional services today and in the months ahead. There are others to discuss and resolve, and still others on the horizon. Our future national economy, the behavior of enforcement and the courts and, particularly, how today's youngsters will define personal and social responsibility as tomorrow's adults, will all have a tremendous impact on the problems and progress of correctional agencies in New York and nationwide.

But, let me take you back to the early part of this year and illustrate for you what we saw, what we planned, and what we achieved in New York State prior to the events of the past month or so.

We saw a department that had been fiscally starved for years, and in this most difficult of budget years, we faced the development of new philosophies, new directions, and new programs that, even in a normal budget year, would have been a monumental undertaking. We nonthe-

less strengthened and detailed our budget needs and aggressively sought and received Federal financial assistance. I must add, incidentally, that the department, in receiving since June 11 of this year over \$8 million in Federal funds from the Law enforcement Assistance Administration, was awarded the largest grant yet provided to any State correctional system through the Federal Government. These funds permit the department to move ahead with additional and vitally important projects designed to improve the quality of correctional services in the State. These include, for example, nearly \$2 million for new summer- and winter-wear clothing for all inmates, and nearly \$1 million for a project to improve both the nutritional quality and service of food throughout the department.

We saw a departmental administration and group of administrators who had met together in executive conference only infrequently in the past 10 years to discuss mutual problems and to plan together. Since January 1 of this year, the new department has had three statewide conferences of all top institutional, parole, and administrative personnel, and has defined and implemented improved methods of communication throughout the department.

Just to meet to confer is nothing, but to meet to filter down new philosophies through the top correctional personnel and correctional institutions so they in turn can and should communicate this new philosophy and new ideas to a total correctional staff is the purpose naturally of these kinds of conferences.

We saw a line correctional staff of over 4,000 officers whose preparatory and in-service training needs had been grossly neglected. I should point out in the early 1930's New York State had one of the finest, if not the finest, staff training colleges for correctional officers in the country and when money became short this was abolished and since then the staff training has been minimal.

One of our largest Federal grants, in the amount of \$1.6 million, has permitted us to initiate a statewide program of training for all employees. Additional Federal funds have since been requested to provide for a minimum of 52—I do not say this is a great amount of time but it is 52 hours on-the-job training with overtime pay per year for all custodial personnel of the department. And certainly, our very real hope is to inculcate into this kind of training program not only how to do the custodian end of the job but far more importantly to learn what makes human beings behave the way they do and to learn better how to improve the interpersonal relationship and how to understand other people. The dedicated, well-trained, and properly equipped correctional officer is the chief resource—for the goals of both safety and offender rehabilitation—in the institutional facility. He requires and deserves our complete support.

We saw inmates—healthy young men—throughout the department confined to their cells for up to 16 hours per day—young men in need of basic remedial education and job training. Consistent with this observation, we began, on an experimental basis, the development of a modern evening academic and vocational training program in all of our major New York State facilities. Vocational diagnostic laboratories and multimedia learning laboratories will be added to the department's present academic and vocational programming to insure that all offenders will receive basic remedial education and vocational

education prior to release. There is no magic remedy that can produce correction of the offender while he is confined to his cell.

We saw long-standing policies—policies that have a tremendous impact on the daily lives of inmates—that had not been reviewed or brought up to date in recent years. We have, accordingly, modernized policies to permit inmates to send and receive certain uncensored mail, to allow mail and visitation privileges between inmates and common law spouses; and, to permit a much broader and more diversified range of literature available to inmates. Outside funds received in June will permit us to add to this, new criminal law reference libraries for use by inmates in six of the major facilities of the department. I think the cost is \$8,000 a library. This is only consistent with the rights granted the offender to seek postadjudicatory relief through the courts.

We saw inadequate, outdated methods for the effective receipt, diagnosis, classification, and assignment of inmates to facilities and programs of the department—methods essential to both the need for appropriate security and programing on an individual basis. Because of the urgency of this problem, we sought immediately and received in June Federal funds for the design of an effective reception guidance center system for all offenders committed or returned to the department.

We saw inadequate attention paid in the past to the need to involve the community in the rehabilitative mission of the department. Accordingly, a new policy development in May of this year permits greater accessibility by the news media to correctional facilities, programs, and inmates. In addition, funds were obtained in June for the establishment of four community residential treatment programs in Buffalo, Albany, New York City, and Long Island. Incidentally, you may be interested to know that one of these is located at Long Island University for those inmates who have demonstrated particular academic achievement and the desire to proceed with higher education. In addition, and again with the assistance of outside funds, we have developed a new staff unit in the Albany central office for the purpose of enlisting the support and cooperation of community groups in strengthening institutional programs—in education, job training, counseling, recreation, and other areas.

To further focus and direct future correctional programing in the community setting, a recently awarded Federal grant to the department provides funds for planning six community correctional centers in the selected urban areas of the State. Such community facilities assist in the overall task of rehabilitation by providing immediate access of families to confined offenders, immediate availability of community training and employment resources, and in providing multipurpose facilities for prerelease preparation and short-term reconfinement.

To these problems and efforts to correct them, I must add several key issues facing correctional services in New York State, and indeed, throughout the United States. These are issues that require our full and complete understanding; our patience as well as our perseverance; and of necessity the collective goodwill and determination of both the public and the private sectors of our society.

1. We must understand that the unrest, the ferment, and the demand for change on the part of confined offenders is a reflection of identical

activities in the larger outside community. Most of us share the belief that change should come about through the democratic process—but both the community at large and the community of the confined contain individuals and groups of individuals whose patience with the democratic process has waned, and who embrace and advocate violence as the only method for achieving results and social change.

2. Correctional systems everywhere—through years of financial neglect—have had a situation develop in which many inmates are simply not reached through any type of rehabilitative programing. This neglect has given rise to the “jailhouse lawyer,” more pronounced militancy, and even open rebellion. Each of us must remember that at any hour, on any given day, a correctional facility’s population could erupt and take command of the facility—depending only upon the depth of militancy and the quality of military organization in that facility. Historically, inmate populations have been overwhelmingly supportive of administration and militancy has been at a low ebb. This is no longer the case. And we exacerbate this situation and further the militant cause when prison conditions include, for example, less than adequate clothing, less than adequate food and food service, less than adequate opportunities for education and learning a marketable skill, and less than adequate funds for the development and training of correctional personnel.

3. Each of us must also remember that the best possible security for our correctional facilities—for the safety of all concerned—comes through fair and humane treatment, and the relief on the part of the offender that if he participates in constructive programing, his chances for joining the free community and enjoying the benefits of a free society will be realized.

4. It is absolutely essential that all correctional administrators further democratize our correctional facilities. Inmates must be permitted—indeed encouraged—to play an increasingly strong role in the determination of their own futures. Inmate liaison committees working with facility administrators are developing in New York State. The traditional monolithic and authoritarian styles of prison administrators are becoming an artifact of the past. New York State prison facilities such as Auburn, Ossining, and Green Haven are now experimenting in the use of such inmate liaison or spokesmen committees. We in New York envisage a future day in which such concepts as prescription and contract programing—in which the offender participates jointly with administration in the determination of his program while confined—will become a reality.

I have appended to my presentation today an organizational chart depicting the manner in which our new department has been organized for the future. I refer this to you, since I believe that our new agency employs one of the best administrative designs yet developed for the delivery of competent correctional services. But let me conclude today by outlining for you the major directions and developments I see for our department in the months and years ahead.

1. A system of diversified institutional facilities throughout the State—Senator Dunne pointed out this morning there are no minimum security facilities in the State other than forestry camps. There is one medium security facility. There are two reformatories. The rest of the

facilities are maximum facilities. We want this kind of diversification ranging in security capability from maximum to minimum consistent with the nature and programmatic need of the individual offender. Backed up by a modern reception-guidance and classification system, diversified facilities will better achieve both of their chief missions: safety and security—and offender rehabilitation.

2. An aggressive manpower recruitment, training, and development program that will bring to New York State's system the most professional and capable correctional team in the country. Through assistance from the Federal Government, the department of correctional services will shortly embark upon a concentrated effort to recruit members of minority groups to the ranks of both correction officer and professional treatment personnel. This effort will include aggressive recruiting through minority group organizations in urban areas, tutoring assistance in preparation for civil service examinations and, as required, assistance in both transportation to and from employment and in making arrangements for appropriate housing.

We have received, I think, about \$138,000 for that project. And I as a footnote, would add that when we received this money, the approval for the money, we immediately had requests from correction officers around the system for pay to bring them from their homes to work if we started paying for busing to bring someone else from a community to the institution.

3. Expansion and strengthening of institutional programs to provide every offender confined with optimal opportunity to achieve both mental and physical health: to increase his education: to learn job skills consistent with the modern world of work, and to return to the community as a law-abiding citizen.

4. Development of a broad institutional furlough program, based upon clear and specific criteria for the selection of inmate participants. We will seek expansion and further implementation of work release, educational release, and eventually changes in present law to allow for home furloughs for selected offenders. We have drafted such legislation ready for presentation.

Family visits—if carefully planned and timed—could have a tremendous impact in keeping families together, and in encouraging and helping them to work together for the future. Similarly, prerelease furloughs for the purposes of family emergency, special medical care and treatment, short-term education and training, and employment interviews are expected to both further humanize and modernize present institutional programing.

5. Continued expansion of community programs to buttress institutional rehabilitation with community-based halfway houses, urban correctional centers, and more effective liaison with the real world of home, family, and work, to which all of these offenders will return.

6. Continued strengthening of close and effective teamwork between the institutional facilities, their staffs, and the probation and parole officer of New York State. The probation officer and the parole officer, because of their firsthand knowledge and the experience in the problems and dynamics of community adjustment, must participate increasingly in the overall planning and development of correctional programs—and indeed, in designing the future growth of the criminal justice system. The rightfully proud and professional record

of probation and parole in New York State must increasingly characterize the correctional system as a whole. We must work together to achieve this goal.

The purposes and objectives of the Select Committee on Crime provide an opportunity for all of us to think and plan together for the future. Let us proceed to do this with conviction, with courage, and with the knowledge that we will be successful.

Thank you very much.

The CHAIRMAN. Well, thank you very much for that excellent statement, Mr. Oswald.

Before we inquire, suppose we have the introduction of Mr. Dunbar and let him present any direct statement that he would like to make and then the two gentlemen will be subject to inquiry by the committee.

Mr. WALDIE. Mr. Dunbar is your friend and from your great State. Would you be kind enough to present Mr. Dunbar to the committee?

Mr. WALDIE. Yes, Mr. Chairman. Mr. Dunbar was the head of our prison system in California when I was a member of the State legislature, and a member of the U.S. Board of Parole before assuming the position he now has, and I simply want to tell the members of the committee that during the time I was in the legislature Mr. Dunbar appeared before the committee on which I served numerous times on behalf of the prison system and I found him in every instance extremely frank, and extremely honest, and extremely able. I can think of no man in the prison field more knowledgeable, for whom I have greater respect, and in whom I have greater confidence, and from whom you will hear more frank, direct responses to any questions you may deliver.

The CHAIRMAN. Thank you very much, Mr. Waldie.

Mr. Dunbar, we would be pleased to have any general statement you care to make.

STATEMENT OF WALTER DUNBAR

Mr. DUNBAR. It will be very brief, Mr. Chairman.

The CHAIRMAN. I, too, remember Mr. Dunbar's work when he was with the Federal Government and I commend him as does my distinguished colleague.

Mr. DUNBAR. Thank you, Congressman Waldie, Mr. Pepper. I certainly concur with my framework of experience, my comradeship with Russ Oswald in the few months we have been together in New York, with the concepts, goals, philosophy, and program efforts that he has expressed there. It goes without saying. I am sure. I would add that I have had considerable experience with other systems, California and the Federal, as he has in Wisconsin and Massachusetts, and now we are together in New York and we believe in what we are doing and I am sure we know how to do it with support and help and understanding from Congress, from legislatures, from the public groups. It is essential. I would only add to emphasize two or three points, in terms of the presentation, and, that is, we must recognize that we must have adequate information, an information system that permits us to sort out, to diversify and to program and to measure results, what it costs and what is effective. And I mention this because

it was not stressed and because it is neglected in most correctional systems nationally, and because it is sorely needed.

Another facet is that we present to you our limited knowledge and skill and what I mean to say is that we must have the wisdom and the courage to seek new knowledge and skill and philosophy and goals. Sometimes this is called research, basic or applied, but it does seem to me that we must collaborate with behavioral scientists and others in the quest to discover more about the human being and how to manage him or to change his attitudes and behavior.

Another element I stress, we speak in the history of American Government of the career and merit system, developing agencies, specialists in corrections, which has suffered nationally and in many States the last of the patronage system to develop a career and merit system. But I say to you, too, that a career and merit system must have merit, and I am sure you listened closely as Commissioner Oswald described the monolithic structure. My familiarity and his is the recruitment of fine young people dedicated to serving human beings and recruiting them regardless of race, color and creed, and then developing them through training and experience in and outside of the department that broadens a career service so that they become the leaders of the future. We do not have that and we suffer from it and it is going to be a most difficult job. And that is what I mean by real merit of a career merit system. And, finally, I would say and it has certainly been touched on this morning, is the problem of the criminal justice process.

As I gain experience, I no longer think as a correctional administrator, I must interface with my colleagues on the criminal justice process and I must recognize and interface with the legislative groups which are the sources of policy by legislative or statutory mandate and the financial resources for getting the job done. And due to our fragmentation and diversity and contradicting policies, and even quarreling at times, we do not advance our individual work nor do we advance the goal of public protection and we have got a devil of a lot to do about this and it affects the attitude and behavior of these people we deal with. It is very important because if they have suffered the indignities of too long in an improper detention facility, if they have suffered the indignities of improper arrest, too long before adjudication, or the plea bargaining that was talked about earlier today, then we are supposed to talk about changing attitude and behavior, and if we objectively look at it, not sympathetically, objectively understand that, it makes our job more difficult and the public's future protection more hazardous.

I thank you.

The CHAIRMAN. Thank you very much for an excellent statement, Mr. Dunbar.

Mr. Waldie, would you conduct your cross-examination?

Mr. WALDIE. Yes. And it is because of the respect and esteem I have for Walter Dunbar that I am asking this question.

During the Attica riot, Walter, the problem, or one of the problems, with the public was lack of conviction on the public's part that the information officially from the authorities in charge was credible. Part of that lack of conviction, on my own part, and I assume it was shared

by others, stemmed from a report attributable to you in the newspapers when you handed out that the motivating factor for ending the negotiations and for ordering the assault was the fact that the hostages were being slaughtered.

My question to you is: Were you quoted correctly in the newspaper and, if so, what was the source of such information that was so erroneous, that would lead a man of your integrity and your conviction to have relied upon that false information?

Mr. DUNBAR. Well, I have to tell you quite frankly, I do not recall, nor did I experience, personally, the description which you have just presented.

I tell you very honestly, the moment of truth, if you want to put it that way, I was tired of working, along with the commissioner, after 5 days with 2 hours sleep a night, and our major objective was to save the lives of all human beings.

The truth of the matter is, as has been stated publicly, I saw hostages at times with knives at their throats. I saw subsequently, and I showed on television, one man, one employee, that had been slashed from ear to ear.

I spent the time as best I could do to insure the truth as I saw it, and I tried to report it. If I erred, I erred as a human being, and I believe the public is entitled to know that was my endeavor.

Mr. WALDIE. I appreciate that response, and it is in character with my understanding of you, and it sustains my understanding of you.

No further questions. Mr. Chairman.

The CHAIRMAN. Mr. Wiggins?

Mr. WIGGINS. Thank you, Mr. Chairman.

I have a question I would like to direct to Mr. Oswald. You have outlined an ambitious program of correctional reform in the State of New York, and I wish you well in that undertaking. Your suggested changes require State action. You do not make the plea that you are quite unable to exercise your State power without somehow getting massive Federal support. Doubtless, you could use some Federal support, but I am heartened by the fact that you recognize the capability to do it yourself. And I think you have the capability to do it yourself, given an enlightened administrator like you, given a willing legislature and perhaps, most of all, a tolerant group of taxpayers.

You did describe, however, the use of some LEAA money in 1970. We amended the act to put in a part for funds for correctional institutions, and it certainly was not my understanding that funds would be used for almost routine housekeeping chores in institutions. We had intended to trigger structural changes and improvements in the system. According to your testimony, 25 percent of the funds allocated would be used for clothing by the State of New York, and I gather that grant has been approved by someone here in Washington. Is that so?

Mr. OSWALD. I believe so.

Mr. WIGGINS. Well, I find that disturbing, and I will look into that, because that was not the intention of Congress, as I remember it, that we would relieve the State of New York of the burden of providing clothes for prisoners in your own penal system. I think you can handle it and should handle it, and we ought to spend our money to trigger more fundamental changes than that.

I would like to go on to an issue that was raised yesterday. I gathered that you recognized that in the prison population there is a group which we shall describe as militants or revolutionaries. Perhaps that is an imperfect definition, but I think you know the group to which I refer. Do you think that it is possible to identify these inmates with reasonable certainty; and once identified, do you think it is in the interest of prison administration that they be isolated from the general prison population?

Mr. OSWALD. I think they, together with other persons with serious behavior patterns, can be identified. We have drawn a set of criteria to be used in an attempt to identify these kinds of individuals, together with other difficult behavior problems. And it is my judgment that for temporary periods of time, it is advantageous to have these individuals segregated from the mainstream of the prison population, but not warehoused. That this kind of facility would have to have programming more intensive than the rest of the population.

Mr. WIGGINS. Would you describe, Commissioner, the criteria you have adopted for the purpose of identifying these types?

Mr. OSWALD. Do we have them here, Walter? Would you like to list them, Walter?

Mr. DUNBAR. May I?

Mr. WIGGINS. Please.

Mr. DUNBAR. Could I introduce this by way of explanation by saying that to use an analogy that may not entirely fit—my experience in prison history—if we had a person who is contagious to others because of tuberculosis, we have separated him, hospitalized him, and in more recent years with wonder drugs, cured him and protected the balance of the population.

Similarly, with the mentally ill and dangerous person, we have been able to separate him, hospitalize him, and with the wonder drugs make him amenable gradually to treatment, with control that leads many of them to restoration with the general population.

Now, here we are dealing with—to get to the nub of the matter—with the persons who present, if I may use the analogy, a different kind of contagion, dangerousness. Our objective is to try to arrive at an appropriate facility by layout and program and procedures that maximize this control, for the protection of the others, and maximizes intensive treatment for working on his attitudes and behavior, and to utilize this criteria to select out these dangerous persons for that purpose. That is one of our goals.

Now, as you think about people within any community, in the prison community you think about persons with demonstrated violence proneness. They represent a clear and present danger due to acts of violence of a pathological or criminal nature. I did not say incidental or accidental violence, I am talking about real dangerous violence in the kinds of pathological human beings or criminal human beings.

Mr. WIGGINS. You measure militancy by conduct in the prison?

Mr. DUNBAR. In the prison or in their past history and I know from experience this is practical. We developed a system of violence-prone measurement by research.

The first one I mentioned is that of endangering the person, employees or other inmates. We have a grave responsibility to protect other inmates.

Second, there is the issue of the escape potential that presents a grave danger to the public, and here he represents a current hazard, particularly with violence; past patterns of behavior may indicate that he would break out and use violence to hurt others, particularly personnel. That would constitute a hazard to the public.

Third, there is disruptive and dangerous behavior within that represents a clear and present danger to the safety and security of the institution.

Mr. WIGGINS. Would you stop at that point, Mr. Dunbar?

Mr. DUNBAR. Yes, sir.

Mr. WIGGINS. Would you use "disruptive and dangerous" in the conjunctive? For example, can a person be disruptive of prison routine and be truly a thorn in the side of the administrator without being a dangerous person in the sense he threatens others physically?

Mr. DUNBAR. I tried to distinguish that, sir. Yes, he could be.

We have some inadequate human beings in the prison community that just cannot get along or recognize the rules. He is a disruptive nuisance. I am not talking about that kind of person.

Mr. WIGGINS. Is that person so covered by your criteria for special treatment?

Mr. DUNBAR. The disruptive nuisance, no, sir; what I am referring to here is a person who reflects a consistent pattern of violation of rules, disrespect for the rights and responsibilities of both personnel and inmates, and is guilty of overt acts contrary to rules and procedures and overt acts that incite, agitate, and provide other inmates to militant, racial, and antisocial activities.

I think this is of a different sort and is quite dangerous.

Mr. OSWALD. Actually, the nonconformist I am thinking of, when I was on the parole board oftentimes I would want to parole that individual because oftentimes the nonconformist within the institution, if he isn't too serious, is a much better risk on the outside.

Mr. WIGGINS. Often an individual who describes himself as a political prisoner has no history of violent attacks upon fellow prisoners and may be in custody for a property offense but clearly exhorts others to disregard those rules, prison rules, to participate in concerted action as you have described as disruptive. Should a person like that be isolated, segregated from the general prison population?

Mr. OSWALD. In my judgment, yes.

Mr. WIGGINS. Do you agree, Mr. Dunbar?

Mr. DUNBAR. I certainly do.

Mr. WIGGINS. Do you find it difficult to identify a person like that?

Mr. DUNBAR. In some cases, yes. But I do not mean to be personal, you know, but I was a correctional officer, too, and worked up through the ranks. Let me assume you are one, for a moment, if I may, Mr. Wiggins. What I am getting at is overt or covert behavior that indicates that you are a "white racist pig." And we would plot together to kill you, to destroy you and the like, and to connive to organize and hide weapons and make plans that are disruptive and violent and dangerous. For example, it reached the public and we had—this was the commissioner's idea—some of our major yards searched with mine detectors and found specific evidence of this.

This is the kind of thing I am talking about, Mr. Wiggins. It is extremely dangerous in any community, prison or otherwise, sir.

MR. OSWALD. I think I would want to clarify Mr. Dunbar's statement just the least bit and make it abundantly clear that this kind of individual is not of one race. We have got these kinds of individuals who are white, brown, black, and all races.

MR. RANGEL. This is what I would like——

MR. WIGGINS. Just a minute. I would like to make this observation before I yield to my colleague from New York.

I gather that your recommendation for separate treatment or isolation of people of that sort is not because of your dislike of their particular ideology but rather your dislike of their overt acts. Is that it?

MR. OSWALD. That is right.

MR. WIGGINS. I yield to my colleague.

MR. OSWALD. I have no problem with their political point of view.

THE CHAIRMAN. I recognize Mr. Rangel.

MR. RANGEL. Thank you, Mr. Chairman.

You were very eloquent, Mr. Dunbar, describing the type of pathological, dangerous type of behavior that would necessitate segregation of this type of prisoner from the rest of the prison population. Would you explain why, given the type of person that should be segregated, would necessarily be concerned with a "white racist pig?" I mean, are all of these things that you read designed toward segregating black prisoners?

MR. DUNBAR. No; I think the commissioner has made that clear.

MR. RANGEL. He did. But I would like for you to make it just as abundantly clear.

MR. DUNBAR. Just as abundantly clear. You know my background, I am without prejudice——

MR. RANGEL. But you would say that your example of what you were talking about in terms of segregation, perhaps was not at all encompassing as you would have liked it to have been?

MR. DUNBAR. I used it as a specific illustration that has occurred.

MR. RANGEL. I see. Commissioner Oswald, I would certainly like to say you are one of the brightest figures on the horizon in the State of New York in connection with bringing about some reform to the prison system that none of us have been proud of. I would just like to ask your professional opinion in connection with a statement that was made yesterday by Warden Mancusi, who when asked the question by this committee as to what did he think was one of the major factors that caused the uprising in Attica, that it was his considered opinion that the practice of allowing uncensored mail to leave the institution to go to lawyers, politicians, and they included jurists, allowed a conspiracy to be formed, members of which advocated the overthrow of the U.S. Government. And together with this mail practice and the conspiracy that was formed outside the institution with Maoist and Marxist, that in his professional opinion, that was one of the major causes of the tragedy which occurred in the institution and which he was the warden of.

Do you concur in that opinion?

MR. OSWALD. Not to that degree; no. After all, this policy of unopened mail is a new policy of ours, and I would be less than honest if I did not tell you that there was a great deal of concern on the part of the correctional superintendents, institutional superintendents, about this.

Now, there have been some violations. People have sent in improper things, contraband and violent literature and so on. But certainly that alone could not be one of the principal causes. There had to be a number of more underlying factors.

Mr. RANGEL. Do we know of any elected officials, judges, or members of the bar from the State of New York, that were part of a Communist conspiracy that were involved in the uprising at Attica?

Mr. OSWALD. I never said Communist conspiracy. I assume you do not mean I said that?

Mr. RANGEL. No. But if I were to tell you this was the thinking of Warden Mancusi, who was the warden of this prison long before you became our commissioner, would you care to comment on his remarks?

Mr. OSWALD. Well, I would want to say that I have no evidence of it being a Communist conspiracy. I have a "gut" feeling that there is some kind of a conspiracy because many of the same things are happening in institution after institution around the country, abetted by many of the same organizations, with the same kind of legal attacks, with, you know, everything the same. It is almost too identical to be coincidental.

So, I feel there is some kind of a conspiracy to jolt the prison system as there was to change the campuses and to change other things but I certainly have no documentation to indicate that it is a Communist conspiracy, or a revolutionary conspiracy or anything else.

Mr. RANGEL. Warden Mancusi almost uses this type of language when he says the demands that were made at Attica by inmates were very similar to demands made by other inmates, even to the language that he uses. This, as an example of a conspiracy, when we all know with lawyers that certain forms that are used for purposes of appealing any civil or criminal matter are basically the same.

So the fact these prison demands sounded like demands made by inmates incarcerated on the west coast would not allow you to believe this was sufficient evidence to believe there was a conspiracy?

Mr. OSWALD. No.

Mr. RANGEL. You deviated from your written text when you gave your statement as to a "cult of revolutionaries that were out to break the system." Again, this is the type of language which was used by Warden Mancusi yesterday.

I would like to ask you, Commissioner, when we use the word "revolutionaries" and the word "militant" notwithstanding the eloquent remarks given to us by Mr. Dunbar, could you describe in nontechnical language the criteria that you would use in order to determine which prisoner should be separated from the general population?

Mr. OSWALD. I would be very happy to, Congressman Rangel.

An attorney whom I know and who tells me he is a devout Marxist and who represents a number of individuals about whom I am speaking, in discussing those individuals with me, told me that, "Yes, I admit there are out-and-out revolutionaries." And I said, "What do you mean by an out-and-out revolutionary?" He said, "They want to break the system." I said, "Does that include burning and killing?" He said, "I suppose so." He said, "That means they want to break the system."

Mr. RANGEL. Well, Commissioner, you have given me the words of a Marxist. What I am concerned with, in our court system, a man

has been sentenced for a crime that he allegedly committed. Now, what you are saying and what the warden is saying is that after the man is sentenced, that we should allow people who are involved in corrections to make a decision as to his political attitudes and then resentence him or segregate him or put him in a different framework. In other words, it is a sentence imposed upon the court's system.

Mr. OSWALD. No; I am not saying that.

Mr. RANGEL. What I want to know is this, Commissioner. Once you decide a man's political philosophy is revolutionary in nature and militant, whatever that means—because there is a strong feeling in my mind that it means a black who is not cooperating—but, nevertheless, all I want to know is, notwithstanding that statement, what criteria would you use in the area of commonsense and judgment, to determine whether or not this prisoner should be separated from the general population?

Mr. OSWALD. The criteria I would use is his overt behavior not his political philosophy, and not his statements of political ideology, but his overall behavior in terms of the degree of disruptive behavior that he demonstrates within the institution, such as constantly challenging correction officers and harassing them in front of groups, threatening them in front of groups, this sort of thing. And then there must be hearings. There must be an opportunity for the man to have his witnesses and to explain his behavior.

But certainly I am not concerned with political ideology. I am not concerned with what the man is saying, he wants to do these various things, but I am concerned with what he does within the institution.

Mr. RANGEL. I am glad that you are our Commissioner, but how would you comment when the warden says the criteria he would use—and you have to admit, he will be with the men much more than you would be—would be the type of literature they read, and the admissions as to the belief of some political philosophy.

Mr. OSWALD. Congressman Rangel, I am so happy that I have an opportunity to sit here and answer this for you. Because of the very concern you are demonstrating, we set up within our central office an auditing review committee for literature. And so when, let's say, Warden Mancusi, or you pick the superintendent you want to pick, determines that a particular kind of literature may not come into that institution, he can make that decision at that point.

But he must then send it to the central office for review by a top-level central office committee as to whether that literature should come into the institution or not. And many, many times, that literature is put right into the institution.

Similarly, with respect to his deciding that individuals must be put into segregation or isolation or special housing, or whatever you call it, that, too, is reviewed by the central office.

Mr. RANGEL. Commissioner, Warden Mancusi indicated that the literature that has been reviewed and approved, that the reading of his type of literature that has been reviewed and approved, would allow him to believe that certain of these prisoners are political revolutionaries.

Mr. OSWALD. In other words, the material we have approved to letting into the institution?

Mr. RANGEL. It was my impression Warden Mancusi was not very excited about the reforms you are attempting to initiate in our prison institutions; to wit, the uncensored mail, the reading of literature which you have reviewed, and all of this review about decisions which he has to make. And my primary concern is, notwithstanding the excellent ideas that you have presented to this committee, how are prisoners and members of this body going to believe that these ideas can filter down, as you expressed you would like to have them?

Mr. OSWALD. Mr. Congressman, I have been around these prisons for a long, long time and I am not naive enough to think that in 6 months I can change the thinking of 7,000 people, or even make real inroads into their minds in terms of a change of philosophy.

But I do know that, given ample training and with training opportunities, and so on, and as they see new approaches and new ways of doing things, changes are made. Because I have been through it. I have had the same thing happen in other places. No one is very thrilled about changing patterns which have been theirs all of their lives.

Now, one of the first things we struck for, Mr. Wiggins from your act, was to get money for training of correction officers. Because it seems to me that this is the only way that the system can be turned around to superimpose my thinking on an institution and tell a warden, tell all of the wardens in the State, that tomorrow I want them to tear down all of the screens in the institutions—although we are headed in that direction and have accomplished it in many places—would be pure nonsense and it would be ridiculous to try it.

But you have to work with them gradually and through the kind of conferences I am talking about. And one by one, the screens come down. And visibility becomes more normal and all of these things you are concerned about, I think if you will have a little patience, will be resolved.

I know Mr. Dunbar and I have been talking about it, yesterday, and on the plane down, you know, we can ask for patience only so long, but we have not really had time. So that almost overnight we have to take some risk, we have to do some things to demonstrate to the inmate body, things which are tangible and concrete, that changes here.

Mr. RANGEL. Commissioner, I congratulate you on your philosophy, and I submit that most every prison we have had an opportunity to discuss, your taped message at Attica in terms of bringing some hopeful change in some of the conditions that existed, to the man all of them believed in you. It seems to me, however, that they would have had a deeper belief that these things were coming to effect if Warden Mancusi was not the person that was there to have these things filter through.

The CHAIRMAN. Thank you, Mr. Rangel.

Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.

I just want to ask Mr. Oswald several questions. Do you think that a commissioner should go into the prisons and out into the yards with the men?

Mr. OSWALD. You mean at what point? When they are at a point when there is a disturbance?

Mr. WINN. Just on a monthly visit or a weekly visit.

Mr. OSWALD. Yes.

Mr. WINN. You think a commissioner should go out in the courtyard?

Mr. OSWALD. Yes, sir.

Mr. WINN. Do you think the deputy commissioner should do the same thing?

Mr. OSWALD. Yes, I do.

Mr. WINN. Where there is a possibility all of a sudden they would become a hostage?

Mr. OSWALD. I do. Unfortunately, I think without doing this you lose touch with the institution. I think, certainly, that the superintendents should.

Mr. WINN. Do you think that a warden should do this?

Mr. OSWALD. Yes, I do.

Mr. WINN. Are you aware there were statements made yesterday that Warden Mancusi—and I am not one that has taken picks on him, although I have some feeling some of the members of the committee have—do you think Warden Mancusi should go out? He said he did not?

Mr. OSWALD. He never did?

Mr. WINN. He said he did not. I believe two ex-convicts said that they thought he should, that the deputy warden did and gained a lot of respect because they could communicate with him and they could talk with him. They said that Mr. Mancusi sat in, I believe the term was "an ivory tower," and never came out.

Mr. OSWALD. I definitely feel that at all levels, people in the correctional field definitely should go into the institution. I think that this is a hazard that they have to recognize and accept when they join the team.

Now, whether Mr. Mancusi has gone in there regularly or not, I do not know. But I know, I have heard prisoners in several institutions say, "Well, we never see the superintendent." But, you know, that does not mean he never goes out. They may not happen to see him but he may be in other parts. This is something that we certainly want to check into.

Mr. WINN. Right. I personally would think it might be a good idea, but I wanted to get your philosophy on the thing.

I congratulate you on your ideas on job training and programs which you have suggested. I agree with Charlie Rangel, that we can talk about some of the—the convict said yesterday, if they do not see the results of it, then it hurts more than just saying, "Be patient, and you are going to get it."

They know there are financial problems and they know this is one of the problems that you face. At the same time, I think we are all aware that as was brought out again this morning, as it was yesterday, that if we do train these people and before they are released, and you did have the facilities available to you, to make carpenters and metalworkers and painters and whatever it might be, and that they could fill the needs of the community in which they are released, or to go back to New York City, or whatever, they are blocked by the community, or in this case, as they said this morning, they are blocked

by the labor unions who won't accept these men even if you did train them.

Mr. OSWALD. That is not exactly factual; I can assure you of that because I ran the parole system in New York State for 14 years and we had fine working relationships with the unions and the unions took many, many parolees.

Also, we do train people in the correctional system, which is relatively new to me, but nonetheless, does train a lot of them. We have working relationships with a number of industries, which Congressman Keating was talking about this morning. And I wanted to be able to say, "Yes, we do work with industries." And I can tell you of one industry which recently brought in their whole training staff and trained a whole flock of our people in tool and die works, and at graduation time, gave each of them \$400 or \$500 toolboxes and jobs.

And, yes, during the entire Attica disturbance, the people continued to work on the farm and we had people working with these programs, working 40 miles away from Attica, placed in a factory, learning a trade, with guarantees, at the time they went out that they would earn \$10,000 a year. We got them a driver's license, let them drive their own car there, they would eat their breakfast and their lunch there and come back to the institution at night.

And that group continued to go there, 40 miles away, in their car all during the Attica situation.

Mr. WIXX. That sounds very good. It sounds very encouraging. But Mr. Weber, who sat here last night at 8 o'clock, told us that he got out of Attica and got out only because his family secured a job for him and there were men sitting up there that had been in Attica and other prisons, for as much as 6 months, and could not get out because they did not have jobs.

Mr. OSWALD. I can tell you there is no man in the New York State correctional system who has sat waiting for a job, who has been approved for parole, for 6 months, except one individual, who is an arsonist and a mentally retarded individual, who has been difficult to place.

So that you see, people can say many, many things. A prisoner in New York also said that he had been trained as a barber and when it came time to get out, he could not get out, because he could not get a barber's license. We actually got him a barber's license and he worked in the barbershop but did not remain.

Mr. WIXX. I am glad you cleared this up, Commissioner, because I know members were told last night, and it concerned many of us, that men had been supposedly rehabilitated, ready to come out to get a job, and could not get a job, and were still sitting.

Mr. OSWALD. When I took over the parole system in New York State, there were as many as 2,200 people who stacked up, who had been approved for parole, but for whom jobs were not available because of a relatively restrictive law which said that individuals in order to be released to parole had to have a reasonable chance of securing employment.

So, over the years, they have interpreted this to mean they had to have a letter that a job was available for them. We gave it a little looser interpretation and said, "reasonable assurance," and developed

employment teams within the parole system and began developing resources privately.

So that that is cut down to a minimal number of people now and for minimal periods of time.

Mr. WINN. Do you have a system right now of staying on top of that, knowing how many men are eligible?

Mr. OSWALD. Yes, every day.

Mr. WINN. Thank you very much.

Mr. OSWALD. As a matter of fact, it would be a very good time, Congressman Winn, for me to put in a little plug for the parole system of New York State, which I think is outstanding and has some of the top professionals in the country, that has been developed over a period of many years, with master's degree people serving, dedicated to really doing the job for people. It is a tremendous program.

Mr. WINN. Is a parole held up until a man has a letter of a job?

Mr. OSWALD. No.

Mr. WINN. Thank you.

The CHAIRMAN. Mr. Brasco.

Mr. BRASCO. I want to join the chairman, being one of the visitors to Attica, in commending Mr. Oswald and Mr. Dunbar for the courtesies that they showed to us.

I might say that I suppose you gentlemen are used to being in the middle, in being congratulated on one side and pushed on the other side.

Mr. OSWALD. I recently have been called, "The man in the middle," because 50 percent of the people say I should have gone in on Thursday and 50 percent say I should have waited until Monday.

Mr. BRASCO. I remember when you were in Attica, half of the people felt you were too liberal and some of the other people felt you did not do anything. But my own opinion is you are——

The CHAIRMAN. Governor Rockefeller told us administrators who did not like some of your attempted reforms had written him about removing you, too.

Mr. OSWALD. Several petitions.

Mr. BRASCO. There were several petitions. Personally, I know that you were on the job a very short period of time. I know you visited at Attica personally a week before the riot broke out and you implemented some reforms. And I think that is why the prisoners I spoke to, along with Mr. Rangel, indicated a very high and personal regard for you.

I might say, I suppose, it is always easy to be a "Monday-morning quarterback," but while we were there, I recall your office was even bombed up in Albany.

In any event, what I wanted to do was ask some questions that were on my mind, because I know that this is a very difficult subject and I know for the most part the American public assumes pretty much the posture of taking a hard line in terms of attitudes toward prisoners.

Personally, the system has not worked in the past. I think the amount of recidivism is proof positive of the fact it has not worked, but there are still some critical areas that disturb me, that I wanted to ask some questions about.

I think, first off, your remarks are logical and fair in terms of treating those who would be capable of creating disturbances, and in a chronic manner, in a way not by punishment, but in a way different from the general population.

The only thing I would be concerned about in connection with that, Mr. Oswald, is that sometimes—and the public reacting the way it sometimes ordinarily does—I would hope that we would not allow that to become an inbred factor that the problem is solved by taking away the disturbances and, hopefully, things would become quiet, that we would not lose our commitment toward prison reform. I am sure you do not intend that.

Mr. OSWALD. I am also certain when you take one away, there is always someone to replace him.

Mr. BRASCO. One of the things I have always been concerned about is the inability of individuals who have been convicted of crime to obtain jobs by virtue of the fact that they are convicted.

For instance, it seems to me a waste to train people—one fellow who was here yesterday, Jim Wilson, tells me that he studied law. But the fact he has a prior record is known and to be weighed heavily in this. I am sure it will, and it makes it almost inconsequential that he is studying law. It is one thing to say we are going to train them for civil service jobs, but you and I know that every application that you have ever seen, both public and private employment, asks the question right off the bat: "Have you ever been convicted of a crime?"

I believe and I would hope the committee would make such a recommendation, and I hope you would do it at the State level, if we could get first offenders, nonviolent crimes, and then after they have paid their debts to society, we would do away with the fact they have been previously convicted of a crime and see whether or not we have a better work experience with that group on the outside.

I personally think we would. I do not believe the record serves any purpose, because under the plan I talk about, certainly, the police, FBI, or any law-enforcement agency, could have it for further investigative purposes. But for the first offenders I think we could have a pilot program and take a chance and see whether or not—

Mr. OSWALD. Congressman Brasco, I helped introduce such legislation 2 years ago in New York, and it is working well.

Mr. BRASCO. But that is not with respect to all crimes?

Mr. OSWALD. For first offenders.

Mr. BRASCO. Misdemeanors and felonies?

Mr. OSWALD. Yes, sir.

Mr. BRASCO. When a man is finished with his prison sentence and/or both the fact, the public record are obliterated?

Mr. OSWALD. The public record is not obliterated but it is called an amelioration of rights law, and it knocks out the restriction against them obtaining any kind of employment for which he would have otherwise have had to have a license.

Mr. BRASCO. But he still has to answer that question?

Mr. OSWALD. Yes; I know.

Mr. BRASCO. The point I am making, I think where we get a loss, unfortunately, human nature being what it is, one of the former inmates expressed it very well yesterday. If a man has a couple of applicants for a job, notwithstanding the applicant's abilities, if you have

one that has not been convicted of a crime and one that has, you find that again the fellow who has been convicted of the crime is the guy on the short end of the stick.

I think what I am talking about is a little different, that we ought not require a man to report that. I think it is one thing for a man to be on the inside and if he understands and appreciates he is the beneficiary of a new baptism when he has finished you might get a different reaction.

One other thing I was concerned about is that personally, at Attica, for instance, if I use the figures correctly—and maybe I misquoted yesterday—89 percent I saw on the sheet in Attica had prior adult criminal records and 58 percent had a previous history of being incarcerated in other penal institutions.

So at that point, they are multiple offenses. When you have a fellow who is doing such long jail sentences, 20 years and 30 years, do you think you could really do anything with him if the sentences remain that long, as a practical matter?

Mr. OSWALD. Well, years ago in New York State, you used to have to do your entire time, either within the institution or on parole. If you had life, you had to do life. If you had 20 years and were paroled on 5, you had to do 15 on the street.

We changed that law. We now permit the parole board to discharge the individual if he has served 5 years under successful supervision, a maximum of 5 years. If he has less than that, of course, he will be discharged.

I agree with you, terribly long sentences without the possibility of cutting them off are self-defeating.

Mr. BRASCO. I just do not know what you can do with that kind of thing. It becomes increasingly more difficult.

Mr. OSWALD. That is right.

Mr. BRASCO. Also, I understand that there is, from Senator Dunne, some program that you and he and others of a special committee are working on to interest private industry to get up to correctional institutions and develop programs which would ultimately lead not only to training, but a guarantee of a job on the outside.

Mr. OSWALD. That is correct.

Mr. BRASCO. I am wondering whether or not you are prepared to discuss that in any greater detail?

Mr. OSWALD. Well, they have a very well-tested and exceptionally successful training program which they give intensively within an institution for a period of. I think it is about 4 months. And we have to pay a certain amount of money to this—well, one of them is the RCA Training Institute, for instance.

There are many others: Singer Graphites, and so on. They have contracts with private industries—Kodak and General Electric, and all of the rest of them, that they will take an *x* number of people. If they train them, and when they train them—

The CHAIRMAN. We have a vote on the floor. We will take a 10-minute recess and be right back.

(A brief recess was taken.)

The CHAIRMAN. The committee will come to order, please.

Mr. Oswald, if you would resume—you and Mr. Dunbar.

My good friend, Mr. Brasco, said he would like to ask one more question.

Mr. BRASCO. Well, Commissioner Oswald was in the middle of explaining the work program when we left.

Mr. OSWALD. As Senator Dunne mentioned earlier, there are a number of training organizations who have developed special skills in training individuals with little or no education, or minimal education, but with some aptitudes, to take over positions in industry which are well paying, with an intensive training course.

Now, this has been demonstrated in the probation department in Rochester, N.Y. They have done a fabulous job there with it. We are now working with some of these organizations, and among them are the RCA Institute, and the Singer Graphites, and so on, who put on a program of about 4 months' duration within the institution, with the promise of jobs from a number of industries—GE—at least 10 of them, who will take these prisoners. It has worked in the probation department. We hope it will work here.

Mr. BRASCO. I hope so. I think that is a good program.

The question I wanted to ask, Commissioner Oswald, was this: at one point I had been discussing some of the Attica situation with a news reporter who had indicated that he had received through a third party a letter from an inmate at Dannemora, and the first question he asked me was why was it that he could not receive his mail. And it was printed on the top of the sheet, "Reporters not included." And I assumed from that, and after checking with the State institution, that the sealed letters and the permissible mail had been extended to Members of Congress—well, legislators—

Mr. OSWALD. Lawyers, judges.

Mr. BRASCO. Members of the family: right. So that as a practical matter, any one of those people could, you know, deliver such a letter to the press.

My thought was this: After taking a look at the letter, it was very interesting, where you had the letter "c" over it was "CIA." If you had a "P" in a word on top of it was "Pentagon." If you had a "G" in the word, on top of that word was "General." And there were some 16 inmates that went along with it, and some of the complaints, at least one I remember—I do not have the letter with me—it is in my office—was that the inmates were being drugged through their food forcibly.

And there were charges which I considered to be, after reading the letter, wild charges.

But the thought occurred to me, would it not be a good idea to allow as part of an ombudsman program that everyone is talking about and as a part of community participation, the members of the press or the media, possibly to act as a liaison in that area?

Personally, I know it is a double-edge sword, and I know it is not an easy question, but I would think it might be a good idea to allow this particular reporter who wanted to take a look into these facts, to do so.

We should allow the truth or falsity of the charges to be completely explored.

I am wondering whether or not there were any plans to allow greater access for the press in this area.

Mr. OSWALD. Well, as I mentioned in my statement, we have opened the institutions widely to the press and to the news media. For the first time in the history of New York State institutions, the press can go in, the news media of all kinds can go in, and go through institutions and interview inmates if the inmates want to be interviewed.

Mr. BRASCO. Right. This happened about 2 months ago, to be fair about it.

Mr. OSWALD. Was it an Attica individual?

Mr. BRASCO. It was from Dannemora.

Mr. OSWALD. Maybe he came from Attica. Because for a period of time, we restricted Attica prisoners, whether they were at Clinton or anywhere else.

Mr. BRASCO. Then my question specifically, since there is at least a 2-month gap between what happened and now, would this individual reporter have an opportunity if he were to get such an inquiry now to visit at the prison?

Mr. OSWALD. I just want to ask one question. I know we have a lawsuit.

There is pending litigation on it, which I thought was the situation. We are in Federal court on this issue right now.

Mr. BRASCO. Whether or not——

Mr. OSWALD. Whether or not prisoners can correspond with the press. They can visit institutions now, interview prisoners if the prisoner is willing to be interviewed. But up until now we have restricted them from writing willy-nilly to the press.

Mr. BRASCO. But notwithstanding that, the press can visit?

Mr. OSWALD. Yes.

Mr. BRASCO. It would seem to me you are ahead of any court decision.

Mr. OSWALD. Not really.

Let me say something that is perfectly understandable to all of you, I know, and that is, that nowhere do I know of any correctional institution where, you know, there is not some unrest. If you can find anyone who is content with the loss of freedom, you have to look pretty hard. And within most institutions, if you get someone who is complaining bitterly about the dehumanizing influences and brutality, and all of the rest of it, do you think there are many men who are brave enough to say it isn't true? Because they do not last.

So that one has to understand prisons a little bit before you can just say, let everybody write the press anything they want to. It is something you have to explore.

The CHAIRMAN. Thank you very much, Mr. Brasco.

Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

Commissioner Oswald, in your statement you refer to the fact that the New State Department of Correctional Services' census count from New City indicates 2,500 prisoners. What type of prisoners were those?

Mr. OSWALD. Reformatory-type prisoners and misdemeanors, 1-year sentence prisoners who normally have been kept by New York City on Governor's Island.

Mr. MANN. New York City keeps them up to terms of 1 year?

Mr. OSWALD. Yes; and in their reformatory, up to 3 years.

Mr. MANN. There is a city reformatory system and a State reformatory system?

Mr. OSWALD. Yes. With the city reformatory system scheduled legislatively to go out of being on January 1, 1974.

Mr. MANN. Very good.

Now, when the new department was created—it is a separate entity of the department of probation and parole; is it not?

Mr. OSWALD. It is a department in which the division of parole is a part. Probation is separate and is part of the executive department.

Mr. MANN. All right. So you have no direct supervision over the probation department?

Mr. OSWALD. That is right.

Mr. MANN. In your experience now over the years, do you know what the figure is in New York for recidivism for the probationers?

Mr. OSWALD. Probation—I am not that well equipped to tell you, but if you want to talk about parole, we can talk about that.

Mr. MANN. Are the probation and parole officers entirely separate individuals?

Mr. OSWALD. Yes. In New York State they are. In Wisconsin, where I administered the total program, they were both the same.

Mr. MANN. So this permits your department, then, to coordinate very well the job training, work release, with the institutional followup—

Mr. OSWALD. That is right.

Mr. MANN (continuing). Because you have supervisory personnel.

Now, I commend you on the State's aims here, and I think we can agree. The question is, what research is being done to determine the results of our actions with reference to the classification, since you now have maximum security, minimum security, reformatories, with reference to results with these techniques used during confinement?

Mr. OSWALD. For a number of years, when I was chairman and chief executive officer of the department of parole, we had a very active research department and we had every university in the State involved in our doctorate programs. The department of corrections over the years has spent little money on research, relatively little money.

One of the first kinds of people I was looking for, after Walter Dunbar, was the top research man I could find. Several people I was with put together in a hat three choices of three of the top people we could choose in the United States, if we could get them. It happened we got one of them. And we now are developing a very active research program, so that in all of our projects we are building in a research design.

We will be able to know what is working and what is not. It is not viable just because it sounds like it is nice or it is humane, but it had better work.

Mr. MANN. Very good.

Thank you.

The CHAIRMAN. Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman.

I too, Mr. Oswald, would like to compliment you on your statement here today.

Mr. OSWALD. Thank you.

Mr. MURPHY. But I would like to ask some hard questions. The first question that comes into my mind is what goes into the decision and who ultimately made the final decision at Attica when negotiations, in your opinion had broken down, and in someone else's opinion had broken down, to go in with the troops, and as a result we had the riot and killing? Who made that decision and how did it come about?

Mr. OSWALD. Well, there were a number of factors which had to be considered, day by day. Ultimately, I would suppose that these are some of the factors that entered into the consideration:

First, the intransigence of the group to meet in a small committee or to meet anywhere other than in the yard after constant efforts were made offering to meet them in the corridor or even in a mess hall, some distance from both the administration building and from the yard, or outside with complete warranties of safe passage and safe return.

There was no disposition whatsoever to accept anything other than meeting in the yard, not with five people or 10 people.

We offered several opportunities to meet with 10 of their people and the Observers Committee and three or four of us. No disposition to accept any of that.

After Saturday night, moving into Sunday, an increasing compulsion on the part of both the inmate body and many members of the Observers Committee after the death of Officer Quinn, to insist on total amnesty. And nothing seemed to get over that. That was an important issue, the most important issue at that point.

Subsequently, I received a communication from the inmate body on Sunday, saying that no longer would they do what they had done before, which was to release to us and ultimately to the hospital anyone of the hostages who was injured or became sick, or had a heart attack, or was suffering from diabetes, or whatever. And they sent me a notice saying that no longer would they do that, that in the future they would insist on a well replacement hostage for anyone they sent in.

And then on Monday morning at 2 o'clock, a prisoner came out of the institution—they were permitted to come out—because he was injured, with several stab wounds, plus the fact that our intelligence had reported to us, reliably, that they had continued to make more and more weapons in this shop area over which they had control, and we could detect this going on constantly, plus information that they were wiring the barricades electrically, and so on.

And also attempting to build some kind of a launcher, a motor launcher.

These are the things which entered into the decision.

Mr. MURPHY. Who made that decision: what group of men, or what man?

Mr. OSWALD. No group of men. I would have to make the decision and I would assume it would have to be approved by the Governor.

Mr. MURPHY. You obtained approval?

Mr. OSWALD. Yes.

Mr. MURPHY. As a result of what took place, has the State of New York, or any State, to your knowledge, come up with a procedure or decisionmaking process to confront a future riot? Have you learned anything from it?

Mr. OSWALD. We have learned a lot of things, but let us not presume we were going in like babes in the woods and did not have a plan.

On June 1—and we got organized in March—on June 1, we had meetings with the State police, with the military officials, with the National Guard, with the whole group, with local law enforcement, all on a statewide basis. Before that, we had sent out detailed material asking for the development of riot bills at every single institution in the State, and insisted they be on file.

On March 19 we did that. So they were all available, we had all of these meetings, we knew what was going to happen.

Now, if you are asking—and I think you are leading toward it—whether in the future you can write a prescription for how you handle a riot situation, whether you go in immediately with guns or whether you go in without guns, immediately, or whether you negotiate or talk, or whatever. I wish that someone would be able to make that kind of a judgment. But, so help me, God, I cannot.

I know this: That there are more experts around the country about what they would do than there are people. But let me tell you, when that agonizing decision comes, the easiest thing in the world to do. I suppose, if you are callous, is to go in immediately. But while there is still opportunity to save life and you have hope of doing it, and we did have hope for days, it was my judgment that I could not live with myself unless I made that effort.

I did make the effort. I went down the last line.

MR. MURPHY. Now, since the riot, Mr. Oswald, have you brought in new personnel from around the country?

MR. OSWALD. No; before the riot. In March.

MR. MURPHY. And since, you have not?

MR. OSWALD. Not really.

MR. MURPHY. Do you plan to make any further changes at Attica itself in the way of personnel?

MR. OSWALD. We already have approval to add a number of supervisory personnel and a number of correction officer personnel that we were short of all along.

MR. MURPHY. Maybe I should be a little more specific. In our testimony so far this week, Mr. Reynolds pointed out there seems to be a philosophical difference in your thinking and Superintendent Mancusi's. Will this difference in philosophical thinking result in any changes?

MR. OSWALD. I hope you will forgive me for saying this, but I respectfully feel this is inappropriate, that kind of question.

MR. MURPHY. Well, I do not think it is inappropriate.

MR. OSWALD. Well, I am not in a position to answer that question.

MR. MURPHY. Certainly, your superintendent reflects the philosophy in governing the penitentiary; is that right?

MR. OSWALD. I think—

MR. MURPHY. In other words, he sets the programs, he sets the schedules.

MR. OSWALD. Yes; you are right. Now, if I may say the next thing—

MR. MURPHY. And you review those schedules and those priorities?

MR. OSWALD. Yes; I do.

MR. MURPHY. And you have the power to change them.

MR. OSWALD. To change what?

MR. MURPHY. You have the power to change any programs he might institute; do you not?

Mr. OSWALD. Yes.

Mr. MURPHY. And you have the power, also, to change personnel?

Mr. OSWALD. I have power to remove him, if that is what you are asking.

Mr. MURPHY. Not only him, but anybody else?

Mr. OSWALD. Not anybody. And not even him, unless I can file charges and substantiate them in court. They are all civil service people.

Mr. MURPHY. This is my question.

Mr. OSWALD. Yes.

Mr. MURPHY. I am not trying to put you on the spot. My question is, under civil service—I am getting to your statement about merit and patronage type of jobs. I do not mean to corner you, Mr. Oswald. I would like to get to the point.

We have the press in this country and a lot of other people, good minds, and good thinking people, who always want to say the only way in any State or political subdivision, you have to have a merit system as opposed to patronage. The question I am getting to, if you permit me, is which system do you favor?

Mr. OSWALD. Well, I favor the civil service for most positions. I do not favor a civil service system for my top deputy positions. I have a question in my mind and it is being studied by a State commissioner, as to whether superintendent positions ought to be civil service or ought to be appointive and, therefore, be more responsive to the commissioner.

Mr. MURPHY. You have to make these recommendations to your State legislature to change the system which is governed by law: is that correct?

Mr. OSWALD. Yes. I presume I and this commission will have to have discussions about this and, ultimately, if there is to be a change, it would have to go to the legislature. That is right.

Mr. MURPHY. Thank you.

Mr. OSWALD. Now, in Wisconsin, we had civil service commissioners. In Massachusetts, we had appointive commissioners.

Mr. MURPHY. Speaking from my personal experience in Illinois, we had this constant argument of merit versus patronage system and some of the administrators I talked to say that under the merit system it is tough to remove these employees, that you could better manage under a patronage system or strictly appointive system. I am wondering if the merit system interferes at all with your management of a prison system?

Mr. OSWALD. I do not think, really, I would comment that way.

Mr. MURPHY. Thank you.

Mr. OSWALD. But, admittedly, I have been around just a short time here.

Mr. MURPHY. Thank you.

The CHAIRMAN. Thank you very much.

Mr. Winn?

Mr. WINN. No further questions.

The CHAIRMAN. Mr. Oswald, there have been a good many requests of this committee that we attempt to bring some inmates of the institution who were there at the time of the trouble, not for the purpose of having a witness to what happened after the violence began, but

with respect to what might have been the conditions in the institution that might have been possibly a contributing cause to the struggles which later occurred.

Would you attempt, as objectively as you can, including perhaps an indication of what appeared to be the point of view of the inmates there, what you would consider the principal causes of the disturbance up to the time that violence began? That is, in recommendations to the jurisdiction of this committee, the kind of an institution that might precipitate that sort of act or might contribute to it?

MR. OSWALD. Well, I do not know how thorough a job I can do for you.

THE CHAIRMAN. I do not want you to do anything that is in contradiction to the law of your State, or anything that would embarrass the inquiry that is going on as to who was responsible for the violence. I do not want you to get into that part of it. I am speaking only about whether overcrowding, lack of funds to provide adequate jobs, and educational opportunities, that sort of thing, contributed.

In the first place, if you will, tell us how long had you been commissioner when the trouble started?

MR. OSWALD. Let me see what I can do with it.

In taking over this department on January 1, I was taking over in the aftermath of a major disturbance which had taken place in Auburn, another New York institution, in the latter part of November. And there was, as a result of that disturbance and the feeling on the part of prisoners when things like this happen, some unrest. When I came in, I came in with most of the Auburn institution prisoners still locked in their cells.

Correction officers at Auburn were not anxious too early to be moving people back out into the yard who had just so recently threatened them and their lives and had hurt many of them. There was no middle-management staff, no top-level staff at all. Unfortunately, my predecessor had practically no middle-management staff. So there were no deputies, there was no person at the level below the deputies in there.

And everyone, from knowing of some things I had done before, had great expectations. I am not only talking about the prisoners, I am talking about private agencies and people who wanted to move quickly to bring about change in the correctional system, and so on, and began flooding me with letters and requests to come for conferences, and offers of help, and so on, to the point we were deluged, working 16 and 17 hours a day, with no help.

Meanwhile, having many, many people offering suggestions for who were the best people in the world to be deputies—and they weren't always the best people in the world—and a search going on, nationwide, by me trying to find the best deputies I could find without regard for anything other than people with experience and dedication and demonstrated skills.

But meantime, that Auburn thing was there. They were breaking up the groups in segregation, had broken up their cells, time after time, by breaking the beds, smashing the sinks, pulling the sinks out of the walls, breaking the toilets up, flushing them, overflowing water all over the desk decks, throwing food at the doctors, using buckets because of no sanitary facilities available, and throwing urine and excrement at correction officers and doctors who would come through,

and observers. And all of the while we were trying to work with this, trying to get staff, and ultimately we started getting staff at the end of March.

Now, Mr. Wiggins, with all of your praise about New York State being able to finance their own programs and so on, I would want to tell you that last year, on January 1, in that legislative session, the New York State Legislature ran into the biggest tax revolt in the history of New York State since 1938. And 1938 was the only time in the history of New York State previously that any State employees had been laid off and State employees had the notion that this was impossible.

No one could ever be laid off. If they are once a State employee, they became a permanent employee, you had a job for life. But this did not happen. Over 5,000 people were laid off. Ultimately, it got up to 8,000.

It was the worst possible time to take over an integrated new department, which even by prior standards had been fiscally starved for years and years. And as I go back over their budget for years past, it is just not understandable to me how they have gotten along all of those years without more adequate financing, while I was being adequately financed over in the parole department. I never had that much trouble getting money, and we were able to hire the staff we needed.

Well, in that event, ultimately, we got the deputies. Then we began planning. As we told you, the riot bills and these other things, and we began recognizing that there was not State money available to do the things that we wanted to do. It was a crushing realization, but we immediately turned this top research man I am talking about, who is a specialist in draftmanship, to work on Government and private agencies to try to get some money the State was not able to provide for us, in order to permit us to start making some forward movement. That was his assignment.

Meanwhile, we started looking at staffing, because all over the system they were screaming at us and at meetings we would have in the central office the superintendents would come in and they would say, "Don't you realize that we no longer can run these institutions with the limited staff we have?"

You see, because of limited financing, they put job freezes in and lowered the price ceiling, the ceilings, appropriations ceilings. So that any time someone would leave the program we could not replace that individual.

We had to do without. And institution after institution was running 30 men short, 40 men short. And then at Auburn, where the riot had just taken place, not only were they short of men, but every night eight or 10 or 12 or 15 people would not report, would be sick. And you would have to move in with overtime money and you did not have the money to do it.

So Attica was not the only one, but was one of them that was constantly screaming, "We don't have enough staff, we can't control this thing, we need more correction officers."

And then there is a pernicious thing that goes on in New York State, and I just have to assume it is legitimate, so I should not say "pernicious," but an individual, let us say, has worked for 25 years and he now decides that it is time to retire. Now, many of his colleagues have taken their sick leave every month or every year and used it up,

but this fellow has saved up his sick leave and so now he is 60 years of age, or 62, and he says, "I am going to retire," and he goes to his doctor and he gets a medical slip saying, "Yes, your nerves won't permit you to continue going in there any longer," or "Your diabetes is too bad," or whatever.

And he then takes terminal sick leave for 5 months or 6 months or a year, during which time you cannot replace him. And so at every institution, there are a number of these people.

Now, you are cutting down on staff materially. You can follow me on this. Then you have got the union saying, through their union contract with the State, "You must permit senior people to select their job assignment."

And a law was passed giving more money for nightwork than for daywork. So the skilled senior people who are used to handling prisoners say, "We have handled these men for this period of time, for 20 years, 25 years, now we want to prepare for our retirement and raise our retirement level by this extra money for nightwork. Then they bid for job assignments on these towers at night, relegating to work with prisoners the young, relatively inexperienced individuals.

In any event, mixed with this very serious personnel crisis, and a constant complaint from throughout the system from every institution that they did not have enough money to operate on, and from a whip that we are using through our business administrator, "I have got to cut expenses there: because we are being whipped by the budget and State administration, there isn't money available and we are over-spending," you know. They don't know what to do in the institutions and we are equally frustrated because we can see that the situation is serious.

Then after we have gone for Federal funds and got \$3.9 million or something in our first Federal grant in June, it was in early July, the middle of July sometime, we got a demand for changes at Attica. Superintendent Mancusi recognized that these demands had been sent in improperly to the institution, they had not typed them, and so on, and that they were identical demands from Folsom Prison. And he felt that a number of these people who signed the demands were among the more serious of the behavior people in the institution.

Mr. BRASCO. Excuse me. Who felt that way?

Mr. OSWALD. The superintendent of Attica felt that way about these individuals. There were five in number, and there were a couple more, a few more.

Mr. RANGEL. Did they identify these demands as being similar as those being made from another penal institution?

Mr. OSWALD. That is right. They were virtually identical. This set of demands from Folsom prisoners.

Mr. BRASCO. Could you tell us whether or not any of the people who signed the demands were leaders of riots at Auburn or the Tombs, if you know?

Mr. OSWALD. I do not believe so, no. I cannot remember if one of them did or not. But I think it would be only one. Although all of those individuals were at that bargaining table later.

Mr. BRASCO. The leaders that rioted in Auburn and Tombs were the bargainers for the Attica group. Were they at the bargaining table?

Mr. OSWALD. No.

Mr. BRASCO. They were not?

Mr. OSWALD. No, the leaders from Auburn, many of them were in another institution, either in Auburn or Clinton, or Green Haven.

Mr. BRASCO. Maybe I am being misunderstood. Were any of the people who were leaders in the negotiation in the Attica rioting involved in riots in either the Tombs or Auburn before they got to Attica?

Mr. OSWALD. Now, I understand you.

Mr. BRASCO. Because I spoke to one who was an admitted leader in the Tombs riot.

Mr. OSWALD. One of them was alleged to have been one of the leaders, if not the leader, at Queens.

The CHAIRMAN. Would you please conclude the statement and then we can ask questions.

Mr. OSWALD. Yes.

Well, in any event, they asked for a number of things, none of which were—well, some of the things seemed a little far out, but most of the things were directions in which we were really going, you see. But directions in which you are really going and the time when you can accomplish them, are two different things, as I tried to explain earlier.

You may have a firm commitment that you want, for example, to take down the screens in the visiting room. Now, you just do not do that by fiat. You instead have your meetings, your big meetings in Albany with your lieutenants and so on, and you discuss it, and you hear them out and you get their feelings, and then they go back and talk with their supervisory staff and some of their other staff, to get reactions, and come back and get reactions and so on.

This is what we started to do. We brought them in, we told them about these demands, we started dealing with each of the demands, and suggesting that they discuss it with their people, so that we could work with it, and so on.

I am skipping fast through the summer, but all of the same things continued. And on September 3, I went to Attica to talk with prisoners and I talked with a number of prisoners, one of whom was one of the individuals I believe you have interviewed, and he was the first signer of the set of demands.

I subsequently went on institution radio and I am sure you have seen all of that material, because I gave it to you, at which time I, in effect, told the prisoners of Attica that these things that they were asking for were directions in which we were going, and that there was Federal money for it coming to us to implement these things and that we would have the money soon.

Now, there is some distance between the time the grant is approved and the time you get this money, and then it is a far greater distance between that time and the time you are able to translate your Federal dollars in State positions. When you go through Civil Service and all of the areas that you have to work through bureaucratically, before you get the actual grant into operation, it takes some time.

Well, we were there on September 3, talked with them, talked with the whole group on the radio. And on September 9, the thing erupted. You know, simplistically, it has been said by some that it was the result of a fight in the yard the night before, and a suggestion that men had been beaten up, and this sort of thing.

Well, you know, it was a spark that lighted the flame, there is no question in my mind about that.

There was certainly a lot more to it than that, because it was well organized. And proof of the fact of how well organized it was, they took over practically the entire institution in a very short period of time. And then, although people were hurt at that time, many people were hurt, the real leaders were able to take over control and protect the people after that by their leadership.

The CHAIRMAN. Well, I thank you very much for giving that very interesting recital.

I recall you had told us that this violence occurred before you had time to do anything about the conditions you wanted to change in the institution.

Mr. OSWALD. That is right.

The CHAIRMAN. As I recall, you told us in your office when we were there that you did not have near enough jobs for the men and they had to spend a considerable amount of their time in idleness. That is one of the things.

Mr. OSWALD. Right.

The CHAIRMAN. You also, as I recall, told us you did not have the money for the educational and training programs that you wanted.

Mr. OSWALD. Right.

The CHAIRMAN. You did not have, as I recall it, a professional man in charge of the recreation project.

Mr. OSWALD. We do not have many positions.

The CHAIRMAN. There were many such deficiencies that grew out of the starved budget you had in the past. So it all adds up, at least the impression I get, to the fact that if we are going to run the kind of institutions that will have any chance of rehabilitating the people that are in there, it is going to cost money and the legislatures and the Congress are going to have to measure up to it. They are either going to have to spend the money to improve the conditions or tolerate bad conditions that otherwise exist. Isn't it just that simple?

Mr. OSWALD. That makes abundant good sense.

The CHAIRMAN. Now, I just have one other thing. As I recall, you told us there was one bright hope. You had received Federal money. You mentioned it here today. And in spite of the fact you come from a rich State, New York, do you feel that is a necessary role in the improvement of correctional institutions in this country for the Federal Government to do beyond what it is now doing?

Mr. OSWALD. There is no question in my mind about it. I am not poor-mouthing the committee, but there is no secret, I know, to any of you that New York State is now \$770 million in debt for the remainder of this fiscal year and that already new ceilings have been put on expenditures, and job freezes have been instituted as of the last day or two.

Some strange things have happened in the past decade that make New York State not as rich as it once was. In the last decade, the number of persons under 18 and the number of persons over 60 have risen markedly, while the number of persons within those age groups has declined markedly. And this is the age group from which money comes, the group that is in the latter market.

And with the whole inflationary spiral, and with the fact that State salaries in New York in the past decade have been doubled and the fringe benefits have reached about 36 percent, New York State is not as rich as it once was. And it was on that basis, Congressman Wiggins, that we tried to prevail in our oral argument in terms of that grant, that it is great to be innovative and that is certainly what we want to do and many of our projects are innovative, but it is difficult to be innovative if people look on Coxey's army, and do not have decent clothing or are being fed on a diet which is less than the dietary standards, minimum dietary standards, recommended by the U.S. Government.

In any event, it seems to me to accomplish our mission—and this must be true of many other States—in order to accomplish our mission, ours in New York, we have an immediate task of moving ahead to diversify our facilities and now we are beginning to talk about some money, not massive sums of money because I do not want large institutions, but if we somehow could find somewhere—and I am not importuning you for it today, you know, I always want your support and your help—but I will be knocking on the doors of the legislature long before I get here. Because it seems to me we have got to get people—and I made this promise that I would get out of State government completely if I did not move at least 30 percent of those people out of maximum security facilities within 2 years. And, you know, if I do not leave before that, unless I accomplish that by that time, I would leave.

Because, otherwise, we would be making no movement at all. There are a lot of people in the maximum security facilities who just do not need to be there, and we are just wasting money by having them there, and also human values as well.

The CHAIRMAN. This program that you so well outlined in your original statement would diminish the rate of recidivism on the part of the people who are released from confinement in those institutions?

Mr. OSWALD. Yes; I certainly agree to that. But in order that I might end on a little brighter note, let me talk about parole for just a minute in the State of New York, because everybody is kicking these recidivism statistics around nationally.

Last year, under supervision of the department of parole in New York State, we had 15,000 people.

Now, let me remind you before I go to some startling figures that over 50 percent of all the people we paroled to the New York City metropolitan area have been drug-dependent individuals, so that we are dealing with a group of individuals—who have committed a crime, also—but we are dealing with a group of individuals who are not the easiest to rehabilitate.

Now, then, of the number, we returned 2,400 as parole violators, which showed a rate of return for that year of 16.3 percent.

Now, let me give you the kicker, the one I want you to listen to carefully and remember. That out of that whole number of 15,000 people we only had 285 last year who were convicted of new crimes and returned to prison. A percentage of 1.8.

Now, instead of, you know—I weary of corrections administrators and everyone else being masochistic and beating their breasts with

mea culpa about what a horrible job corrections has done nationally, and so on.

Of course, we have done a job that needs much improvement, but ought we not sometimes say, taking 100 percent failures and recovering 85 percent of them in a given year, isn't really so bad?

The CHAIRMAN. Mr. Wiggins.

Mr. WIGGINS. I was listening to your statistics, and I do not intend by my questions to be critical at all—

Mr. OSWALD. I know that.

Mr. WIGGINS. As a matter of fact, New York State has a great deal to be proud of—

Mr. OSWALD. I know that.

Mr. WIGGINS (continuing). In the area of parole and postconviction release programs. But did I understand you to say only 285 had been convicted and returned to prison out of the original 15,000?

Mr. OSWALD. That is right.

Mr. WIGGINS. Is it true more than 285 have been convicted but not returned to prison?

Mr. OSWALD. I would not know that. The chances are some of them were put on probation. But in a few very minor violations—a few minor violators might have been continued under supervision.

Mr. WIGGINS. If recidivism means to be convicted of another offense, the percentage would be somewhat higher. Isn't that true?

Mr. OSWALD. No. The unfortunate thing is, people generally talk about recidivism in terms of the numbers of people who are returned to institutions. And I submit that that is not the proper way, you know, to measure the success of a parole program.

The CHAIRMAN. If you include violation of parole, would that percentage be changed any?

Mr. OSWALD. Well, 16.3 percent were returned as parole violators.

Now, this is for 1 year. We have done 5-year studies in New York since 1938. In other words, we take graduating classes, you know, everyone who gets out of an institution and moves on for 5 years, and at the end of 5 years we take a reading of what the situation is then. And we find that at the end of 5 years, about 60 percent of the individuals have not been returned to a correctional institution; 40 percent have.

Our research has shown—and that is why we have the 5-year discharge law—our research has shown us after an individual has been under supervision for 5 years, the rate of delinquency after that point is minimal.

The CHAIRMAN. Mr. Brasco.

Mr. BRASCO. I wanted to ask a question with respect to the parole violators, Commissioner.

Is there any research done into that aspect of it? Because I understand one of the constant things that comes up in terms of demands—and I think it was one of the things in the Attica demands—was the administrative sentences for parole violations.

Mr. OSWALD. Let me explain what they mean by that, if I may. It is one of their demands, and I think the committee ought to understand, because I helped write that law and I had this same law in Wisconsin which I wrote. And that law provides for this: That an individual who is not paroled or who is paroled once or twice, and then the board feels

ought not be paroled again, at some point reaches the maximum of his sentence, minus his good time.

He then goes out on what is known as conditional release. He goes out without parole, but under parole supervision.

Now, then, let us say he has 2 years to go. He is out on the street for a year and then violates and is sent back to prison. He then has to do the first 2 years, not the 1 year, as most of you lawyers would presume would be the equitable thing. But he has to do the full 2 years. So we have introduced legislation this year to give them credit for any street time they have before they violate it.

Mr. BRASCO. Wasn't one of the statements concerned with the kind of parole violation, also?

Mr. OSWALD. They said not to return people for vehicle violations. And I submit to you that is phony. No one has been able to show me that case yet.

Mr. BRASCO. Thank you.

Mr. RANGEL. Is it common procedure, Commissioner, during a prison uprising, to remove the superintendent from his authority?

Mr. OSWALD. It is uncommon.

Mr. RANGEL. It is uncommon?

Mr. OSWALD. Very uncommon. In other words, that in the recommendations of all of the correctional associations is a nonnegotiable item.

Mr. RANGEL. No, no, no. My question is not clear. I do not mean permanent removal, because even though I do not fully understand why publicly appointed officials and public servants, with the exception of civil servants, do not have the same blanket of protection—

Mr. OSWALD. I misunderstood you.

Mr. RANGEL. What I meant. Superintendent Mancusi said he was in charge of gaining control of the institution until such time as his superior, meaning you, in cooperation with Mr. Dunbar, arrived. I am asking, was the temporary removal of the warden during the time of the uprising usual?

Mr. OSWALD. Let me tell you that is not exactly the way it was. You see they attempted to retake part of that prison, and they did retake part of that prison. But it got to a certain point before we got there, that to go further was dangerous for the staff because they did not have enough backup, and so on, and so they stopped. But prior to that, the prisoners made it abundantly clear that they would talk with no one, no longer would they talk with Superintendent Mancusi, they would talk with no one but me or Governor Rockefeller.

So, when I got there a decision had to be made—are we going to go in and retake this facility now, with the possibility of the attendant loss of many, many lives—and I am not only thinking of hostages, I am thinking of prisoners and everyone—or should I talk to them? And at that point, I made the decision I was going to talk to them.

And after having talked with them, I then had taken over, really, because this is not what Superintendent Mancusi wanted to do.

Mr. RANGEL. Was he officially removed during that period of time?

Mr. OSWALD. No.

Mr. RANGEL. It was as a practical matter you were in charge?

Mr. OSWALD. You know, we were there 22 hours a day.

Mr. RANGEL. Right. All of the members of this committee, and certainly far more people than you appreciate, really share with you the heavy decision that you had to make in deciding exactly at what point the negotiations would end or whether or not they should begin at all.

Could you tell us, however, who made the military decision as to how many people would be going in, and exactly how much firepower would be necessary in order to successfully gain control over the institution?

Mr. OSWALD. I do not know. Really, I am in no position to say that, other than the fact the State police have worked this out well in advance——

Mr. RANGEL. I see the intelligent mind of counsel moving forward. Perhaps you could assist me in trying to determine, because we can appreciate Commissioner Oswald's decision was we have gone as far as we can with the approval of the Governor.

Now, it just seems to me that people should know who made the military decision as to how much force would be necessary in order to do what was decided had to be done. Is there something that is going to affect the Constitution——

Mr. OSWALD. The State police.

Mr. RANGEL. That is a pretty broad thing. Who was in charge of the State police at the time this decision was made.

Mr. OSWALD. I believe it was Col. John Miller.

Mr. RANGEL. Is this the same man that was subsequently elevated to another position to review the Attica situation?

Mr. OSWALD. No; that was Captain Williams.

Mr. RANGEL. It wasn't a major?

Mr. OSWALD. It was a Major Monahan who was under Colonel Miller and had charge of the group that was going to go out.

Mr. RANGEL. And Colonel Miller would be in charge of the airborne, underground troops, and the entire National Guard or guards and corrections officers, the entire thing?

Mr. OSWALD. Yes; I would think so.

Mr. RANGEL. My last question. You were kind enough to show us at the time the committee visited Attica some videotapes which displayed the demonstrations and attempted to show us to some degree what had happened during the assault.

Mr. OSWALD. I think it was Judge Fisher who did that, Congressman.

Mr. RANGEL. You were kind enough to assist us.

Mr. OSWALD. I suggested it, but I did not see them, myself, so I do not know that I helped you.

Mr. RANGEL. I would just like to share with you, up until the assault we think it was very clear. Because of a power failure we were unable to determine anything after the assault. I was just asking whether or not you knew if this defect had been cleared because the judge had assured us every attempt was going to be made to clear the tape so that we could see it.

Mr. OSWALD. I honestly do not know. And I am certain you know what the power failure was. We pulled the switches because as they went in, they had to guard against these electrical things.

I have a suspicion—I do not know if this is it—I had better not say it because it is hearsay, but I have an idea they did have some pictures you could see.

Mr. RANGEL. We did see it up until the assault, but the power failure came then.

The CHAIRMAN. Mr. Mann.

Mr. MANN. Yesterday, we heard testimony from Jim Wilson, an inmate at Attica in October of 1970, who was conducting a program at Buffalo on his time which was a semi-parole-type of operation. He contended that the adequacy of parole supervision required an agency such as his to give to these men the personal relationship—counseling, even to the extent of job assistance—that the parole department was not rendering.

And I recognize when we talk about money and numbers and case loads, but what is your reaction to that?

Mr. OSWALD. My reaction is, in terms of today's point of view, I kind of take pride—because I don't have to talk poor mouth about parole—that we have the lowest parole caseload in the United States, 40 per parole officer, probably the highest academic qualifications in the country, and I do not completely share that view. About this, I am at variance with many people. The desire to go back to the old days when well-meaning nice people, you know, take care of the needs of individuals.

I would prefer to be taken care of by a professional, and I would want these other ancillary services to be available as resources. But, you know, you really have to have that professional touch in this program, it seems to me.

So that I say the program is fine. You know, this is a popular thing all over the country. Everyone is setting up these things to implement parole programs and getting Federal money and spending twice as much as we would spend on similar programs. So I say, let's for the most part leave it with the professionals.

Mr. MANN. Thank you.

The CHAIRMAN. Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman. I will be very brief.

Just a statement, Mr. Oswald. I used to think that the job of mayor in a large city was the toughest job in the United States. I think I am going to have to rethink on that position a little bit, because I think you have the toughest job, and I think you are doing a good job.

Mr. OSWALD. Thank you very much.

The CHAIRMAN. Mr. Waldie.

Mr. WALDIE. From the testimony we have heard this afternoon from Mr. Oswald and Mr. Dunbar, the State of New York is very fortunate in having the attitudes that you men recited before the committee today. It is too bad that you do not have the resources to implement those attitudes more thoroughly throughout the system.

And just a comment about the 2 days of hearings. It seems to me we end up with a situation where we are asking guards, or correctional officers, and we are asking ex-prisoners, what do we do to change things and the prisoners in an institution apparently despair and are irrational to a point.

The people that bear the brunt of that are perhaps the people least responsible for it—the guards in the institutions, the lowest paid, the lowest denominator in the whole penal system is the one who ends up as a hostage, who has had the least to do with the condition that brings a prisoner to that act of violence. He is the one that bears the greatest brunt.

I suspect the people we ought to be asking why the situation has permitted itself to deteriorate to the point it has, is not a commissioner, although his attitude is important, but we ought to be asking the Governor or legislator who has denied the system over the years the resources necessary to prevent the situation deteriorating to the point where that occurs in Attica, which seemed like a rational act to those who participated in it.

It was irrational from the beginning to the tragic end, but I felt it was only a measure of the irrationality of the whole system of penology. I do not know but I can help come to that conclusion, Mr. Chairman, after 2 days of testimony, except to get perhaps a better sensitivity to the extent of the tragedy that penal systems represent in America.

How inadequate we, as Representatives of the people, have been in interpreting to the people the necessity of putting resources into those systems. It does little good to criticize the guards. We are not paying people properly, we are not exercising the sensitivity, or it does little good. I suspect, for criticizing wardens for not being sufficient in the sense of duty, as long as we give them the situation they are confronted with and tell them to keep order.

That is about all they are ever going to do. And they are not even capable of doing that in the situation as it now exists.

I again tell you, Commissioner Oswald—Mr. Dunbar knows my respect for him—how deeply impressed I have been with the attitude you have evinced, and I wish that you would have an opportunity to implement them. But I am very pessimistic that you will get that opportunity.

MR. OSWALD. Thank you.

THE CHAIRMAN. I want to join in what my colleagues have said, Mr. Oswald and Mr. Dunbar. I would like to believe that you are beginning to synchronize and trying to rectify the type of leadership that is coming into responsibility and opportunity in our country today, to deal with this very problem. What do we do with people who commit crime is the problem of the ages.

They have tried every sort of manner to cure it, brutality, deprivation, kicking them, putting them in dungeons, and letting them die, and the like. It looks today as though we get the best results with an enlightened program such as you have outlined here this afternoon.

So the problem is to bring to the people conscious awareness that they have simply got to face up to the problem and simply bear the financial burden of improvement.

You have had good coverage from the TV, press, radio. You have helped to educate Members of Congress and of the country in the necessity of doing something more effectively about this problem.

We thank you very warmly, both you and Mr. Dunbar, again, for your kindness to us up there and for your contribution here toward this problem.

Mr. OSWALD. Mr. Chairman, could I just say one last word, which will be brief? I think all of you are certainly to be commended for the real public service you are doing.

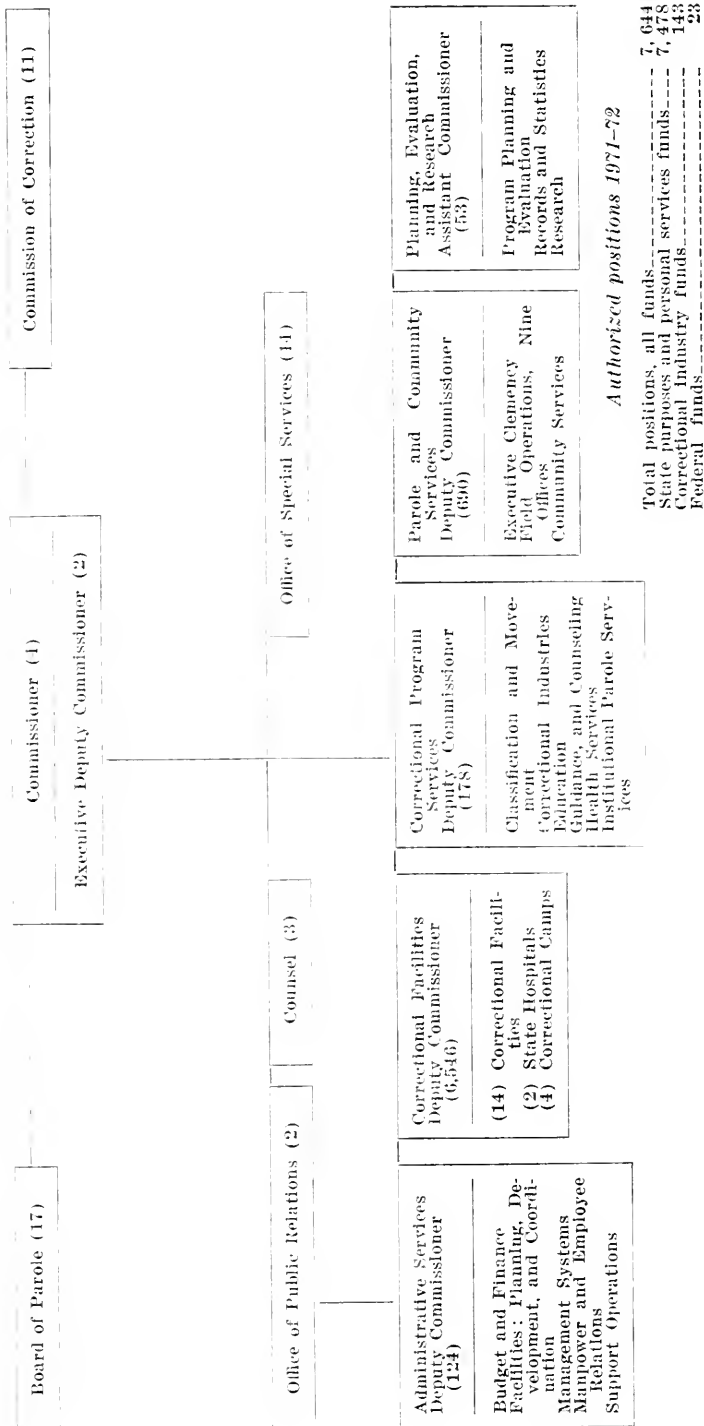
We have appeared before many committees, but I do not know one that I have found to be more fair and inquisitive and interesting and enjoyable.

The CHAIRMAN. Thank you very much, Mr. Oswald. Thank you, Mr. Dunbar. You have had a long day and we are very grateful to you.

(The organizational chart previously referred to by Commissioner Oswald follows:)

NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES

(Total number of positions in parentheses)



The CHAIRMAN. The committee will adjourn until 9:45 tomorrow morning.

(Whereupon, at 5:30 p.m. the committee adjourned, to reconvene at 9:45 a.m., on Wednesday, December 1, 1971.)

AMERICAN PRISONS IN TURMOIL

WEDNESDAY, DECEMBER 1, 1971

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,
Washington, D.C.

The committee met, pursuant to notice at 10:10 a.m., in room 345, Cannon House Office Building, the Honorable Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Mann, Murphy, Rangel, Wiggins, Steiger, Winn, Sandman, and Keating.

Also present: Joseph A. Phillips, chief counsel; Michael Blommer, associate chief counsel; Christopher Nolde, associate counsel; and Leroy Bedell, hearings officer.

The CHAIRMAN. The committee will come to order, please.

Our first witness this morning will be one of our distinguished colleagues in the House, the Honorable Herman Badillo, from the 21st Congressional District of New York, who will be able to speak informatively about what occurred during the tumult at Attica and also about the conditions that he observed at that time and has observed upon later visits.

Mr. Badillo, we are very pleased to have you here today.

I would like to ask your distinguished friend and colleague, Mr. Rangel, if he would care to say a few words of introduction.

Mr. RANGEL. Herman Badillo, an outstanding public servant, at one time borough president of the Bronx, has the distinction of serving three separate counties of the city of New York.

He has made an outstanding impression on the senior Members of the House of Representatives since he has been here. There is no question about the important role he played in the Attica situation. He did save lives up there, to the point that the negotiations were taken outside of the scope within which he had been assigned to work.

I would like to thank you, Congressman Badillo, on behalf of the committee and the entire Congress for taking the time out of your schedule to come and enlighten the committee as to some of the facts and circumstances that surrounded the tragedy at Attica.

The CHAIRMAN. Mr. Badillo, were you born in Puerto Rico? You are of Puerto Rican origin?

**STATEMENT OF HON. HERMAN BADILLO, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW YORK**

Mr. BADILLO. Yes; I was born in Puerto Rico.

The CHAIRMAN. How long have you lived in New York?

Mr. BADILLO. I came to New York City when I was 12 years old. I lived in Chicago for about 6 months and in California for 2 years. I came back to New York City when I was 15 and have lived there since then.

The CHAIRMAN. Were you at Attica during the riots that occurred there in September of this year?

Mr. BADILLO. I was there. I arrived at about 3:30 Friday afternoon, and I left on Monday about the same time.

The CHAIRMAN. What occasioned your being there? How did you happen to be there?

Mr. BADILLO. I received a call from the counsel to Governor Rockefeller, asking me if I would be willing to go to Attica, and I said that I would. The counsel said that Governor Rockefeller wanted me to go to Attica because I had had experience in the New York City prison riots in 1970. The Governor and I had worked closely at that time to resolve those riots. For that reason, the Governor wanted me to go.

The CHAIRMAN. So, you had experience in New York City where there were problems somewhat similar to those that existed at Attica?

Mr. BADILLO. Right.

The CHAIRMAN. Will you tell the committee, please, what you did at Attica and what you learned there that will reveal, to this committee and to the Congress and to the country, the causes, as far as you could detect, that led up to that trouble? Then tell us whether you have been there subsequently and, if so, how many times and whether or not you noted any changes in conditions that contributed toward the trouble in September.

Mr. BADILLO. I was a member of the Observers Committee in Attica, together with those on the list that you have before you. I met with the prisoners in the yard on several occasions. I remember particularly on Friday evening when we were discussing the question of the demands, it was my function primarily to concern myself with the negotiations on the demands. I helped to draft the original demands, and I was among the group of people who negotiated with Commissioner Oswald. Not all of us negotiated on the demands. There was a group of about 10 that was selected and I was very active in that group in the negotiations.

The demands of the prisoners, I want to point out, were determined by us at a session that took place on Friday night, and were detailed on two sheets we received from the prisoners.

On one sheet there was a set of five demands which included complete amnesty, safe and speedy transportation out of confinement to a nonimperialistic country, Federal intervention by the U.S. Government, and reconstruction of Attica prison.

On the other sheet there was a set of 15 demands which was headed "Practical proposals."

Now, because the demands on the first sheet were absolutely inconsistent—that is, you could not have safe and speedy transportation out of confinement and at the same time reconstruct Attica prison

and at the same time have the Federal Government intervene—we decided that the main proposals were those which were the practical proposals, and these had to do with prison conditions. And in order to prove this, we actually took a vote on Friday night of all of the 1,200 prisoners.

We went down the line on the items, and item No. 2, which had to do with transfer to a nonimperialistic country, received less than 20 votes of all of the 1,200 prisoners. I say this because it has been said before this committee that there were conspirators who were making demands that were unreasonable. And I want to point out that when we went to a vote, this proposal, which was the farthest out of all of the proposals, did not receive any real support at all.

The proposal that had the strongest support was the one asking for a doctor that would examine and treat all of the inmates. This received a thunderous ovation from all of the prisoners.

Now, at the finish in reading the 15 demands, we then asked whether there were some more. And, then, individual prisoners came up and added to the 15 demands. For example, many of the Puerto Rican inmates asked for a doctor who could speak Spanish, and in the event that they could not get a doctor who could speak Spanish, they asked for the right to have an inmate who spoke Spanish to be a translator or interpreter because, apparently, they were not given that right either.

They also asked for a library in Spanish. They also asked for more black and Puerto Rican officers.

Now, this will indicate that it was not as organized as you may have been led to believe because individual prisoners were making the demands and the rest of the prisoners were voting on them. Some of them were turned down. The ones that finally made up the group that we negotiated with Commissioner Oswald on were those that received the overwhelming support of the prisoners in the yard, 1,200 prisoners in all.

The other point I want to make is that when Congresswoman Shirley Chisholm and I were the negotiators in the New York City riots in 1970 in Long Island City, we were able to get the prisoners who had escaped into the yard, about 400, to select a committee of six, and the committee of six negotiated with us and reported back to the prisoners.

In Attica, we tried to get the 1,200 prisoners to appoint a negotiating committee, but they could not agree, and they would not agree that any prisoner could represent all 1,200. They insisted the negotiations take place in the yard with all 1,200 prisoners. And this was, of course, one of the things that made negotiations quite difficult.

But, in any event, we added up all of the demands on Friday, and on Saturday we began to negotiate with Commissioner Oswald. It was on Saturday afternoon and evening that we came to an agreement with Commissioner Oswald on the 28 demands.

I want to point out—because I was one of the chief negotiators in this—that the reason that Commissioner Oswald agreed to these things is because he felt that the prisoners were absolutely correct. that the conditions needed improvement, and, in fact, he told us that he had recognized many of these conditions earlier.

For example, on the question of a diet, the commissioner agreed that the diet was improper; he agreed that the diet was limited to 72 cents a day, and he said the reason the diet was 72 cents a day was not because that was an adequate diet but because the State legislature had cut the budget and they had to work backward; they had to divide the amount of dollars for the whole year over the number of prisoners, and that worked out to 72 cents a day, and that is the way they did it. But he conceded it was inadequate.

I want to point out, too, that present at these negotiations was the budget director of the State of New York, Mr. Norman Hurd. We asked that he come in, and he agreed at that time that the budget was inadequate and he pledged that he would tell the Governor that there should be increased appropriations.

He also said that the budget of the State of New York was such that an additional amount could be put into the budget for Attica prison to insure that there would be an adequate diet.

Second, with respect to some of the other conditions: For example, on the question of cleanliness of the prisoners, themselves, the commissioner admitted that the prisoners were limited to one shower a week. The reason they were limited to one shower a week was because he had asked for additional moneys in the capital budget of the State to provide for more showers, but that request had been turned down. And, so, if he began giving showers to the men from sunup to sundown, it worked out that the most they could get was one shower a week, and, again, Mr. Hurd, the budget director, agreed that he would recommend that a budget amendment be enacted to provide for additional facilities.

With respect to some of the other demands: For example, the question of religious freedom, the commissioner agreed that most of the blacks who were in the prison were Black Muslims, that in the case of the United States against Muhammad Ali, it had been established the Black Muslim religion was a true religion and the Black Muslims were entitled to practice the Black Muslim religion but they were not being allowed to do so. That is the reason why he agreed to item No. 7, which said, "allow religious freedom."

Item No. 8, which said, "End all censorship of newspapers, magazines, and other publications," had to do with the fact the Black Muslims were not being allowed to read Black Muslim newspapers, the Young Lords were not being allowed to read the Young Lords newspaper, and the Black Panthers were not being allowed to read the Black Panther newspapers.

I do not want to go over all of the 28 demands; I just want to point out that all of these items were debated at great length between us and the commissioner, and some were modified, but we came to an agreement after the commissioner consulted with his deputy, Mr. Dunbar, after there had been discussions with the budget director and with Mr. Douglas, and with the Governor, because the commissioner felt that these demands were valid.

I think this is important, Mr. Chairman, because if the rebellion had been satisfactorily settled on September 13, 1971, there is no doubt that the commissioner and the Governor were pledged to immediately implement these 28 recommendations.

It seems to me that the fact that so many people were killed on September 13, 1971, and the fact the rebellion ended in bloodshed rather than a peaceful agreement does not do away with the need to implement these 28 recommendations.

The CHAIRMAN. Have you been back there since the trouble and have those demands been met?

Mr. BADILLO. They have not been met; no. I was taken on a tour by Deputy Commissioner Dunbar after the rebellion was quashed. Subsequently, I have not been able to go back because I have not been given the right to speak to any of the prisoners. And one of my colleagues on the Observers Committee, Senator Dunne, was here yesterday and he went back and he was not allowed to speak to the prisoners. So, we felt it would not be possible to do anything meaningful.

However, our Observers Committee, as Mr. Eve may have told you yesterday, has continued to meet. We have been pressing to have the 28 demands implemented, and, certainly, to our knowledge, they have not been implemented to date.

The CHAIRMAN. Mr. Badillo, will you give the committee your opinion as to whether or not, if those 28 demands and the conditions they reflect had been satisfied prior to, let us say, the 1st of September 1971, the riot that occurred and the bloodshed which ensued would have occurred?

Mr. BADILLO. I am convinced it would not have occurred. I am also convinced the 28 demands that were recommended by the prisoners and agreed upon by the commissioner constitute the most comprehensive formula for prison reform that anyone has developed.

Mr. RANGEL. Mr. Chairman?

The CHAIRMAN. Yes, Mr. Rangel.

Mr. RANGEL. I think we ought to make the record clear that Congressman Badillo was informed that the Governor's office no longer considered his presence welcome at the Attica Penitentiary.

The CHAIRMAN. Was informed—what?

Mr. RANGEL. That the Governor's office no longer considered his presence welcome there, and I certainly have made inquiry on behalf of this committee in that connection.

The CHAIRMAN. You may continue, Mr. Badillo, with any other observations that you have.

Mr. BADILLO. That is the main observation.

The CHAIRMAN. You were intimately a part of this tragedy.

What lessons did you learn from it that would be of benefit to the Congress and the country?

Mr. BADILLO. Well, in dealing with prison riots, the main lesson we should all remember is that there is no need to go in and storm the prisoners and that there is no need to use guns and bullets, because the prisoners are not going anywhere, they are in the prison yard. There is plenty of time for negotiation. There are many things that can be done in the process of negotiation, and there are many possibilities of action.

There is always time to die, as I said at that time, and there is no need to go in and start shooting, because when you do so not only will you be killing prisoners but you will be killing hostages as well. And I hope that what happened at Rahway, N.J., is an indication that the

message has been heard throughout the country, because, as you know, I was in prison riots in New York City in 1970, then, there were riots in New York State and New Jersey in 1971, and, as long as the conditions continue, we can expect other riots in the future. But I hope that all of the Governors and all of the prison officials will recognize that there is value in trying to resolve the problems through negotiations.

I hope that they will go back to these 28 demands in all of the 50 States and the Federal Government and begin to implement them, because if that is done I think we can avoid the problem; otherwise, we are going to continue to have riots this year and the years to come, in my opinion.

The CHAIRMAN. Mr. Mann.

Mr. MANN. No questions.

The CHAIRMAN. Congressman Steiger.

Mr. STEIGER. Just one. Are you saying—I do not think you are—that the riot is justified if the conditions warrant it and that regardless of the situation, negotiations ought to be a priority of the prison administration?

Is this sort of a policy you are evolving?

Mr. BADILLO. No, sir. I am saying that in Attica and in Long Island City the basis of the riot was not a desire of the prisoners to escape. It had to do with improving prisons and prison conditions, and the demands that were made by the prisoners and the agreements that were made clearly show that this was the case. And when the basis for a riot is improvement of prison conditions, which even the officials agree is needed, it seems to me that negotiations should take place.

Mr. STEIGER. Mr. Badillo, there are several basic facts that you overlook in your recitation. One is, as you say, all of the negotiable demands had been met. You agree to this, and yet the prisoners continued to hold the hostages and threaten them.

Mr. BADILLO. No; that is not so. There was one specific demand that had not been met, the amnesty. We were negotiating on the question of amnesty, and I would just like to develop what the basis of the amnesty problem was.

The prisoners felt that if Commissioner Oswald, in fact, agreed, as he did, with the 28 demands that they made—and he conceded that they were valid—then, they felt that they should not be punished for bringing out conditions which Oswald agreed needed to be corrected, and that is the reason why they were arguing for amnesty.

No, we were, on that Sunday afternoon and evening, negotiating on the amnesty question. We had agreed—Oswald had agreed—to give what was called administrative amnesty. We were then negotiating with the district attorney on the question of legal amnesty. We had also come to an agreement on what we called property damage amnesty.

Now, all of us on the Observers Committee, including State Senator Dunne, including the Republican State senator and assemblymen from the area, agreed that additional time would have been worthwhile and would have led to a resolution of the amnesty question, and that is why we all pleaded with the Governor to give us additional time. We did not get the additional time and the massacre resulted.

Mr. STEIGER. I will not debate this specific question, Mr. Badillo, because you are much more familiar with it than I am, and I do not intend to second guess anybody, but I would like to point out that there is one element I missed entirely in your recitation, and it seems it would be, at least, worthy of consideration, and that is that in the future instead of preparing to meet riots which, if your cry is heard, will certainly be the order of the day, concerning which you have said that Rahway is the way to go, it would seem to me a rational and proper approach would be to develop those avenues of complaints which apparently are not now available to people who riot, and also to recognize that there are people who will continue to riot simply for the sake of rioting.

I would hope that you would agree there were people in that yard you could not have satisfied with anything. I hope you would agree to that.

That seems to be everybody's conclusion.

Mr. BADILLO. There are always people you cannot satisfy, but the point is you would not have had the riots develop unless you had the overwhelming support of those who were in the prison, and this is what took place there. I am agreeing with you, because what I am suggesting is that we not wait for future riots, that we begin to implement these recommendations, that instead of endless studies and innumerable investigations that we start with the 28 points of agreement which would have been implemented on September 13, anyway.

So, why don't we assume that there was a satisfactory solution and begin to work from there?

Mr. STEIGER. I would also want to point out that what you have said, "Rahway is the proper way to go," that it did result in the warden there being stabbed a couple of times, and I fail to see that as a responsible or rational approach, regardless of the extent of the grievances of the people involved. I admit temperance of the demonstration is obviously preferable to the holocaust that occurred at Attica, but I am afraid, in the views of this member, you are oversimplifying the problem.

The thing that concerns me is that you are inviting similar violence in other prisons, and I suspect you do not want to do that. But that is a very possible result of your statement.

Mr. BADILLO. I did not say that Rahway was the proper way to go, nor am I inviting anything. I merely said that it was far wiser, in Rahway, not to storm the prison as was proposed. The Governor of New Jersey conceded that this proposal had been made to him and he turned it down. Instead, he went over to Rahway, went to the schoolhouse a half mile away, and he directly supervised the negotiations. That is why I think it was a far wiser thing to do than what took place in Attica.

Mr. STEIGER. Again, the other factor that does not complete the Attica equation is that the Rahway people did not release the hostages.

I will yield back the balance of my time.

The CHAIRMAN. Thank you.

Mr. Murphy?

Mr. MURPHY. Thank you Mr. Chairman.

Mr. Badillo, during the negotiations and when the negotiations seemed to come to an end, the ultimate decision was made by Mr.

Oswald, with the cooperation of the Governor, to go into the prison and release the hostages and the killing followed.

Were you consulted on this as part of the negotiating committee?

MR. BADILLO. No; not at all.

MR. MURPHY. Was that decision made entirely separate from any one else involved in the negotiation?

MR. BADILLO. Yes; that is right. In fact, we kept pleading with the commissioner not to storm the prison, to give us more time, to give us even an extra day or an extra 12 hours.

MR. MURPHY. What was his response to that pleading?

MR. BADILLO. He said, "No." He said that there was too much pressure on him to storm the prison, and that he felt he had given too much already and that he could not give any additional time.

MR. MURPHY. In other words, he was saying that he had made concessions of time. Was that the issue he was talking about: "I can't give in any more."

MR. BADILLO. No. He said the pressure from throughout the State on him and on the Governor was to storm the prison, and that he could not wait any longer.

MR. MURPHY. Did he say where this pressure was coming from?

MR. BADILLO. Yes; from people who were sending in letters and telegrams. That is the reason why our committee drafted a statement calling upon people to send telegrams to the Governor asking him to give us more time, and I was the one who called it in to the New York press over a telephone that was in another room. I called it in on one of the news radio stations. I recorded the statement, asking people to send telegrams to the Governor, because we had been told that the Governor was getting telegrams urging him to storm the prison. So, we tried to balance the volume of the communications that he was getting.

But then our telephone was cut off on Sunday night; so, we lost access to the press, and we could not get a message out.

MR. MURPHY. Now, you used the term "amnesty" today in your testimony, and that is a broad term. Exactly, what were the inmates asking for in the form of amnesty? Could you be more specific?

MR. BADILLO. They were asking, first, that they not be immediately punished and beaten after the rebellion ended, and the reason for that was because they remembered the pictures in the New York City riots where the guards took over the prison and—

MR. MURPHY. Are you talking about the Tombs, now?

MR. BADILLO. I am talking about the Tombs; I am talking about Long Island City, where they did not use weapons, but then they beat up the prisoners. And this was published in the New York City newspapers.

So, they wanted what they called immediate amnesty. And that was item No. 2 where it said: "Inmates shall be permitted to return to their cells or other suitable accommodations or shelter under their own power. The Observers Committee shall monitor implementation of this operation." They wanted us to stay around and make sure that they were not beaten up. That was one kind of amnesty.

Second, they wanted what they called "administrative amnesty." That was item No. 3. It said:

Grant immediate administrative amnesty to all persons associated with this matter. By administrative amnesty, the State agrees (1) not to take any adverse

parole action, administrative proceedings, physical punishment, or other type of harassment, such as holding inmates incommunicado, separating inmates or keeping them in isolation 24-hour lockups; (b) the State will grant legal amnesty with regard to all civil actions that could arise from this matter.

So, we had negotiated quite a long way on the question of amnesty. We also came to agreement on what we called "property damage amnesty." And the one thing we had not been able to come to an agreement on was the question of criminal amnesty.

Mr. MURPHY. So, in your opinion, the two factors that made Mr. Oswald and the Governor's office decide to release the hostages were public pressure and lack of patience in negotiating and that they had already given too much time?

Mr. BADILLO. That is right; that is what Commissioner Oswald told me.

Mr. MURPHY. Thank you.

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Where was Warden Mancusi during all of this time? We hear a lot of talk about Commissioner Oswald, but wasn't Warden Mancusi the warden there for over 6 years?

Mr. BADILLO. He was; but he had not been, during the rebellion itself, participating in any of the negotiations with us.

Mr. RANGEL. Could not the warden assist people in dealing with personalities which he had custody over for a half a dozen years?

Mr. BADILLO. I do not know what he said to the commissioner, but when we were in the room we were not negotiating with Mr. Mancusi. We were negotiating with Commissioner Oswald and Deputy Commissioner Dunbar.

Mr. RANGEL. There is a lot of talk about the Governor. From what I read, the Governor was not there?

Mr. BADILLO. No; he was not. No, the Governor was involved because we called him on the telephone that we had before it was cut off, on Sunday afternoon. I spoke to him personally. I told him that I thought it was important to give us more time, because we had come to an agreement on the 28 points, and I thought if we had more time we could resolve the outstanding question.

Mr. RANGEL. What was the Governor's response?

Mr. BADILLO. At that time—this was 1:45 on Sunday—he said that he was getting a lot of pressure to storm the prison. This is when I originally spoke to him. And he said he could not see how he could give any more time. But, after a long discussion with him, he said that he would talk again to Mr. Douglas, his assistant, who was in the other room.

Mr. RANGEL. Was Mr. Douglas available to review the actual conditions that existed during the time of the negotiations?

Mr. BADILLO. Oh, yes. Mr. Douglas, as well as Budget Director Hurd and Commissioner Oswald, agreed with the recommendations that we signed.

Mr. RANGEL. Well, regarding the military preparations involved in taking control of the institution, were the Observers Committee members privy to any of these discussions?

Mr. BADILLO. No; we were not. Not only that, but we, during the attack, were held prisoners ourselves. Commissioner Oswald came into the room with Deputy Commissioner Dunbar and told us we would be

held under custody until the attack was over. They placed two guards with guns outside our observers room. We were told that gas was going to be used. We asked for gas masks, and we were told that there were not enough to go around. So, we did not get gas masks, and we were gassed along with everybody else.

Mr. RANGEL. I understand that members of the Observers Committee had to sign a certain statement, releasing the State of any liability to the families if something happened?

Mr. BADILLO. Yes.

Mr. RANGEL. What was the nature of that statement?

Mr. BADILLO. That was for those who were going back into the prison yard on Sunday afternoon.

Mr. RANGEL. And this meant that if anything happened to you, even though you came there at the invitation of the Governor, that no one had any responsibility for your safety?

Mr. BADILLO. That is right. And, as I said, we were actually held prisoner, and we were refused the use of gas masks during the gas attack.

Mr. RANGEL. Well, how soon after the attack were you released from custody?

Mr. BADILLO. I think about 45 minutes after the attack, and then we were taken, those of us who were elected officials, State Senator Dunne and State Senator Garcia and I, were taken on a tour of the scene of the riot by Deputy Commissioner Dunbar. It was then that he told us that the hostages' throats had been slashed and they had seen the prisoners castrate one of the guards and other things which subsequently developed to be not true.

Mr. RANGEL. Was Deputy Commissioner Dunbar there?

Mr. BADILLO. He was the one in charge of the tour; yes.

Mr. RANGEL. Did he describe atrocities he knew were committed?

Mr. BADILLO. Yes; he did.

Mr. RANGEL. After they got control?

Mr. BADILLO. Yes. He said he had seen them—because he had seen the prisoners holding the guards. He said he had seen their throats slashed, and he said that they had pictures through the rifle sight of one of the guards of the castration as it was taking place.

Mr. RANGEL. So it was the deputy commissioner who said he witnessed castrations that had taken place?

Mr. BADILLO. He said that one of the guards had it in his rifle sight.

Mr. RANGEL. Could you describe to the committee what you saw in the yard where you were taken on this tour in connection with the amount of gunfire that was used?

Mr. BADILLO. Well, what appeared to be bullet holes in practically every area of the prison; that is, every solid area of the prison. And we also saw there were about 40 inmates who were being led into their cells, all of whom were naked, and they were being taken into, I think it was, A yard. We also saw some of the prisoners on the floor of the yard.

Mr. RANGEL. Prior to the assault, were you able to discuss the tenseness of the situation with the Governor's representative—Robert Douglas?

Mr. BADILLO. Yes. On Sunday, we all urged him—I mean Senator Dunne, Tom Wicker, and all of us—urged both Douglas and Oswald

to give us more time. We told them that we could see no harm being done in giving us more time, especially since on Sunday, Sunday evening, we had arranged for some reporters and some TV cameras to go into the yard, to interview the hostages, and they had television clips of each of the hostages showing that the hostages were not being harmed.

So, we said, under those circumstances, we could not see how there was such urgency in storming the prison, and we were, of course, convinced a massacre was going to take place, because we could see that the guards outside had guns and we knew that if there was an attack that people were going to get killed.

Mr. RANGEL. Do you think the committee might learn some more of the facts and circumstances surrounding this tragedy by talking to some of the prisoners who were present at Attica during this time?

Mr. BADILLO. I think so. And, most importantly, you can learn what has not been done since the rebellion, and that, I think, is the most important message here, that none of the 28 recommendations has been implemented. Frankly, there have been a lot of investigations that have been ordered, but, in my judgment, the purpose of the investigations has been to deliberately obfuscate the fact that the 28 demands have not been implemented, because if you really wanted to do something, you would implement the demands now. There is nothing to investigate, because everyone agreed that these 28 recommendations were valid. Meantime, because of all of the investigations, effective action has been delayed and probably will be delayed for years to come.

Mr. RANGEL. Warden Mancusi testified that he thought this uprising was a result of a Communist conspiracy to tear down all of the institutions within the United States, as well as the U.S. Government itself. Did you find any evidence of an organized Marxist and Maoist conspiracy?

Mr. BADILLO. There is no organization at all. As a matter of fact, as I pointed out, we could not even get the 1,200 prisoners to agree on representatives who would negotiate for them, as we had been able to do in New York City. All of the negotiations had to take place in an open yard, and the demands, the validity of the demands, each, were voted upon by the prisoners. It was not mandated by any individual or group of individuals.

Mr. RANGEL. Warden Mancusi, as well as one of the captains, indicated there was no difficulty in communicating with the Spanish-speaking inmates since they had two guards who spoke Spanish.

Mr. BADILLO. If they did, I was never able to find them. I was told that there was one guard who was a Puerto Rican, but I did not see him. He was never introduced to me. And I spoke to the prisoners in Spanish, and they said they had not seen him either.

I must point out that it was not just on the makeup of the prison guards in Attica but it was also on the makeup of those who stormed the prison. In the entire attacking force, I did not see a single black or Spanish-speaking guard. And this, in spite of the fact that Buffalo is only 20 miles away from Attica and there is a very large black and Puerto Rican population. And I am sure there are many, many members of the National Guard in Buffalo who were black and Puerto

Rican and could have been mobilized for this attack, and, yet, they were not in evidence at all.

Mr. RANGEL. My last question. As a lawyer and observer of criminal courts within the city of New York, do you believe this system provides due process for the prisoners coming through those courts?

Mr. BADILLO. No, I do not; not at all. And I made recommendations in New York City about change. And here I think the prisoners do not have due process in the prisons either. The complaints that many of the prisoners had were not that they were political prisoners, many of them recognizing that they had been convicted of a crime and that they were in the prison because they were convicted of a crime. They did not object to that. What they were complaining about was that in the process of being penalized for a crime, other crimes were being committed against them, such as those things that I have outlined: the inadequate diet, the lack of religious freedom, the fact that they could not even get more than one shower a week. And, of course, the problem here is that many of these things are already in the law. Like religious freedom, that is guaranteed by the Constitution. So, you need not pass a bill to do that. That is why the most important of all of these 28 recommendations is that an ombudsman be present at the prison to make sure that, while they are being punished for whatever crime they committed, prisoners receive those rights which they still retain even as felons.

Mr. RANGEL. Thank you.

The CHAIRMAN. Mr. Badillo, we thank you for your very articulate and valuable contribution to our inquiry. You were very good to come.

Mr. BADILLO. Thank you.

The CHAIRMAN. For the past 21½ days the Select Committee on Crime has concentrated its inquiry into prisons and prison reform with an examination of what we learned from the tragic events that unfolded last September at Attica Correctional Facility in upstate New York. We profited greatly from the testimony of the witnesses which I am confident will contribute substantially to the legislative recommendations this committee will make to minimize the possibility of future prison riots and reduce the rate of recidivism on the part of those who are released from correctional institutions.

There are many Attica-like explosions within the prisons of the country. No State is immune. Overcrowding, rural isolation, custodial-oriented budgets and limited staffs working in the field of treatment and rehabilitation make more Attica-like disturbances nearly a certainty.

We have already heard the rumbles of future serious trouble in just the past few days from Florida and New Jersey. At Raiford, Fla., and at Rahway, N.J., inmates seized hostages and only the reasoned action of prison officials prevented the incidents from becoming major disorders. It should be recognized that in both States there exists enlightened public leadership for reform of the prison system exemplified in the willingness to experiment with new techniques and programs. I particularly want to commend the authorities of those two States, Florida and New Jersey, for the very deep interest and the enlightened attitude they have taken in dealing with problems in their State prisons; but however enlightened the leadership, it is simply a fact that Raiford and Rahway, which are only a part of each

system, are simply too large and unmanageable for any serious efforts in prisoner rehabilitation.

Today we shall hear testimony from witnesses with intimate knowledge of Raiford, the 3,000-inmate facility located near the rural north-central Florida town of Starke. Several will speak of the factors that contributed to a serious disturbance last February in which 64 inmates were injured.

Our first witness today is Judge Richard Kelly, a member of the Florida Sixth Judicial Circuit Court. That is our court of general jurisdiction. Judge Kelly went one step beyond the recommendation of the American Correctional Association, that judges acquaint themselves with the institutions to which they send convicted offenders. Judge Kelly donned prison clothes and visited an institution in Nevada for the purpose of comparing that facility with three he later visited in Florida.

Judge Kelly attended Colorado State College of Education, majoring in government and education (A.B. 1949). He then entered the University of Florida and obtained his law degree (August 1952).

He entered the private practice of law and formed a law partnership with offices in Zephyrhills. He served as attorney for the Bank of Zephyrhills and the city of Zephyrhills.

In March of 1956 he was appointed assistant U.S. attorney for the southern district of Florida and served in this capacity until October of 1959. Prior to this separation he was senior assistant U.S. attorney.

Judge Kelly is qualified to practice before the U.S. Supreme Court, U.S. Court of Appeals, and U.S. District Court. He has practiced extensively before the Federal trial and appellate courts and the trial and appellate courts of Florida.

The judge is a member of the American, Federal, and Florida Bar Associations and the judicial administration section of the American Bar Association.

Judge Kelly was elected in 1960 in a circuitwide campaign and reelected in 1966.

He has been currently appointed to serve on the Florida Bar Association Standing Committee on Judicial Administration. He is a graduate of the National College of State Trial Judges, University of Nevada, 1970.

He was commissioner to the 111th General Assembly of the Presbyterian Church in the United States (1971). He has served as a commissioner to the synod of the Florida Presbyterian Church and is currently a member of the judicial commission of that synod. Judge Kelly is an elder and trustee of the First Presbyterian Church of Zephyrhills and has served as vice-moderator of that church.

Judge Kelly, it is a pleasure to have you with us this morning.

Mr. Phillips will inquire.

STATEMENT OF HON. RICHARD KELLY, JUDGE, SIXTH JUDICIAL CIRCUIT COURT, STATE OF FLORIDA

Mr. PHILLIPS. Judge Kelly, do you have any preliminary remarks you wish to make before we start questioning?

Judge KELLY. Yes, Mr. Phillips.

I think there is one proposition I would like to make certain is put before the committee.

Florida's prisons, certainly, are not in good condition. They have all the standard problems of prisons, of overcrowding and understaffing and staffs underpaid, and there is an urgent need for solution to these problems in Florida, the same as there is in other places.

But there are some problems the solutions of which do not directly cost money and this may be a good word. One of the real problems that exists in Florida's prisons is the fact that people that are responsible for making decisions for the control of the prison and establishing the philosophy have failed to be realistic in their appraisal of what they can do and to speak directly and fairly with the prisoners and the public about what they are doing and what can be done.

The prisoners in the institutions that I visited say that they were supposed to be rehabilitated because the administration told them this was the situation. The forces and influences of rehabilitation in the way they were described by the prison authorities do not exist, nor take place. I think the prisoners, in saying that they believed this, were being cynical and, in this atmosphere, I think it is very difficult to accomplish the rehabilitation that is available when the authorities are not being honest about what is being accomplished and what is actually being attempted.

The money is not available for the kind of rehabilitation that is touted: it is not provided in the way that they say it is, and this is a basic difficulty as far as creating tensions in the institutions.

Mr. PULLER. Would it be fair to say that your proposition is that public officials and those people charged with the responsibility for correction authorities are telling the prisoners and telling the public they are making rehabilitative efforts and they have rehabilitative programs when, in fact, they do not; and, because they do not, these factors are creating frustrations in the prisons which will lead to disturbances?

Judge KELLY. Yes; this is what I am saying.

The real problem about this is that much of the public—I think most of it—feels that many prisoners should be punished.

There is a large segment of the population that believes that prisoners should be rehabilitated. Many prisoners are not susceptible to rehabilitation in the sense that you can teach them how to cut hair or cut meat or run a machine and go out and get a good job and be an honest citizen.

A high percentage of prisoners are psychotic; a high percentage of them have serious mental illnesses.

The treatment of these people in the prisons for the illnesses they have is virtually nonexistent. It has been said here in this room already that Raiford has one psychiatrist for 9,000 prisoners in the prison system.

The Sumter Correctional Institution, for instance, has one visiting psychologist one afternoon a month. There were about 600 inmates there—at the time I was there. There are more now. The institution was not designed to house that many, and these are mostly young offenders but not first offenders.

They have deep-seated mental problems. I think that most of these people in the institutions do have mental and emotional difficulties and they are not getting the treatment the judges that send them there think they are. I trust the public thinks that treatment of this kind is available.

Judges sentence prisoners to these institutions with the direction that they will receive this kind of treatment, and it is just not available.

And the prisoners, I think, are probably the most cynical segment of our society and yet my sense is that these people probably want to believe and trust in something that is honest and sincere more than anyone else. I am not sure that all of them would respond to it. As a matter of fact, the reverse is true. I am sure that many of them would not.

But they want this, and it is not forthcoming from the standpoint that they are told that rehabilitation is theirs and it is just not.

And I think that a thing that must be considered in this is that it is not a question of whether you are for rehabilitation or against it, it is the question in the final analysis of not being able to afford rehabilitation of all of the prisoners.

Because of their attitude and condition, and there are so many of them, we do not have the money nor the technology as a practical matter, for their rehabilitation.

I think we should honestly face up to that. We should tell them that. We should not lie to them about it, nor to ourselves.

Mr. PHILLIPS. What should we do about them if we do not want to rehabilitate?

Judge KELLY. It is not a question of we not wanting to. We want to. It is the question that we, as a practical matter, cannot.

What is going to happen is this: Once you start down this tunnel of rehabilitating prisoners, it is going to take so much money to accomplish it in any real sense that the question of whether the trip is practical at all will be raised. You are going to meet coming back through the tunnel the citizenry saying, "Well, why are you spending so much money training these people when my son is honest and he is untrained? He is not in jail. He has never done anything bad, and yet he is not trained."

And you are going to meet people coming down the other way in this tunnel saying: "My child needs psychiatric care and he can't get it, but he is honest. Does he have to beat someone in the head in order to be treated?"

So the trip down that tunnel is not practical. We are not going to take it, and it is dishonest to say that we are going to.

It is just a sad situation of the leadership of this country and of Florida in not recognizing what the reality is and telling the prisoners the truth, because that has got to be the basis and the first step for rehabilitation in all of these prisons.

Mr. PHILLIPS. Could you tell us how you first got involved in going into prisons, Judge?

Judge KELLY. I went there initially just to enhance my education as a judge.

Mr. PHILLIPS. Tell us when that was and how you did it.

Judge KELLY. I was at the National College at the University of Nevada in Reno. I was in the undergraduate school of that college.

Mr. PHILLIPS. Is that a college for judges?

Judge KELLY. Yes.

There was a graduate class that was studying criminal law. In connection with this, it was planned that some of the judges would visit the Nevada State Penitentiary at Carson City. I got word of this. I learned that there were not as many volunteers as they had anticipated and, although I was not directly involved in the class, I made arrangements to attend with the class on this visit.

I went to the prison in a prison bus.

I was taken to the induction center. I was given the normal induction process. I was stripped naked, searched, deloused, fingerprinted, initially classified, garbed in prison clothes, and then taken—and, also, I got a bath——

Mr. PHILLIPS. You did not need the bath.

Judge KELLY. That is my position.

I then went to a medium security facility at the prison system. I was given my bedding and met an inmate at the gate. He showed me to my bed, which was in a dormitory-type room, and from that point on until the next morning I lived and ate with the prisoners.

I had the same limitations and the same freedom that they did to move about the facility.

There were very few internal guards. The security was primarily in the towers, and I was not approached by any guards during the time that I was there except one time they told me to get out of a place I did not belong, which was another dormitory in another building.

However, I did go through those dormitories, apparently in violation of the rules, before I was asked to leave.

I was not interfered with in any way.

This was, by comparison to the Florida prisons I have visited, this Nevada institution was certainly a model.

I also visited the Federal Correction Institution in Tallahassee. I spent 13 hours there. About 12 of that actually in the population on the same basis, during the daytime, from morning until night.

And I think that the Nevada institution was as good or better in many ways than the Federal institution, but the Nevada institution was much newer and probably did not have nearly as good vocational training and educational facilities.

Mr. PHILLIPS. Judge, on the basis of your experience, just spending 1 day at the prison and then the continued experiences you had in visiting prisons, would you say that this would be a beneficial experience for all judges throughout the country who are sitting on criminal benches and sentencing people from day to day?

Judge KELLY. I do not think there is any question but what it would be a benefit to them, but I am not taking the position that all judges should do this. I think that there are some problems about it. I think there are security problems.

Some judges may not be well enough to do this. I think some judges would get in serious trouble in the prisons if they did not recognize that they were off the bench and in the prison.

Tensions run pretty high in some of these prisons, and there could be problems about that.

So, I think that there are some definite limitations on such a program.

Mr. PHILLIPS. Could you tell us what you observed when you visited the Florida prisons?

Judge KELLY. There was a decided contrast between all of the Florida institutions, the best of them, and the Nevada installation and the Federal institution.

The primary thing that struck me was that the administration was putting forth the proposition that they were very forward looking, progressive, that they were running an enlightened institution, and the truth is that they were not.

I thought that these men were willing to and were capable of doing it; it was not because they were philosophically opposed to prison reform or progress, but they just simply did not have the wherewithal and if they did have it, I do not know where it was.

There was much talk about the programs that would come and the programs that had been, but it was very difficult to find the programs that were in force at the time.

The best of the facilities was the Apalachee Correctional Institution.

The CHAIRMAN. Where is that located?

Judge KELLY. Near Chattahoochee.

Ironically, this is the institution that is benefiting, as I understand, most from Federal funding, at least the vocational training.

They have some sort of a pilot program for Federal funding, and their vocational training there was quite good.

But it was really rustic compared to what went on at the Federal Correction Institution at Tallahassee. ACI was smaller; it did not seem as businesslike and effective, and they did not have the array of products that were being produced by the prisoners, and many other deficiencies.

The academic training in some of the Florida institutions seemed to be quite good and especially in Apalachee.

Apalachee was a first-offender prison primarily. If one is under 25 years old and has not been previously in a penitentiary-type institution, if there is room he goes to Apalachee.

And this, I think, just in passing, is one of the serious philosophical difficulties the prisons have, the idea if you are young or that you have not been caught before, that this makes you somehow less criminal and less dangerous than an older person.

And it may be that if you are over 30 you are in some disrepute these days, but I take the position that you can be even over 40 and be a pretty nice guy.

Mr. STEIGER. That is going too far.

The CHAIRMAN. I agree with you wholeheartedly.

Mr. PHILLIPS. Judge, you did ultimately visit the Raiford prison where there have been so many disturbances.

Can you tell us what you found that might have led to some of these disturbances?

Judge KELLY. Let me say this: I also visited Chattahoochee, which is the State mental hospital in Florida, and I found that the tensions were higher in the east unit at Raiford than they were in the mental institution.

I had never in my life experienced more hostility and a greater tension than existed in that maximum security facility.

Mr. PHILLIPS. At Raiford?

Judge KELLY. At Raiford. That is the east unit.

And I spent an afternoon there on a guided tour with the guards and the superintendent and the captain. I mean, not all at the same time but at different times. And about 6 o'clock I had my evening meal, which was the "punitive ration" that is manufactured by the division of corrections, and this is probably the most successful venture that the division has, the manufacture of that punitive ration.

After I had my night meal there, I then——

Mr. PHILLIPS. Excuse me. A number of the members would like to know what the "punitive ration" is.

Would you describe that?

Judge KELLY. Yes.

It is a canned food—I do not know just how many ounces it is, but it provides 2,100 calories a day, if you eat it the prescribed number of times. It is served in a bowl with warm water.

I took mine straight from the can, straight out of the can. It tastes like—some of you may be old enough to remember—5-cent dogfood. It smelled like that and it tasted like that. And I have outstanding courage, and I ate almost a whole can.

Mr. PHILLIPS. And lived to tell about it.

Judge KELLY. The prisoners tell me this does display real fortitude, that most of them go for several days before they can accomplish this.

But after I ate that, I then wandered about the population without the attendance of guards. There would be a kind of a dayroom on each tier of cells, and I would go there and talk with these people.

But I was never able to stay in one place very long, because the minute I would stop a small group would gather and they would start asking me about the inequities that exist in life, and immediately about the courts and about society in general.

There was a high percentage of blacks in this place, and they had a great many questions of this kind. It would not be long before—maybe this is my imagination, but I relied on it—I could just feel the tension and the heat develop, and when I thought that it had gotten to the point where it was not a good idea to stay, I thanked them, and I left.

And I went to another group. I found this existed throughout that prison.

Mr. PHILLIPS. Were there housing problems in that particular prison?

Judge KELLY. No. Really, I am not real sure that I would not like to stay there if I was going to be in the system, because the prisoners had individual cells.

Mr. PHILLIPS. Is that true throughout Raiford?

Judge KELLY. No. Some of the serious crowding that exists in the system is in the main unit at Raiford, and there they had 10 men in a cell that was designed for four.

This is an old prison and it is bad, because it is old.

But it is also being used in a way for which it was never designed.

But to digress just momentarily, at the induction center at Lake Butler—this is one of the newer facilities in the system, and they had three men in a cell that was designed for one. And this was not just an occasional cell, but virtually all of these segregation cells were housed in that fashion.

The reason they had these individual cells in the receiving center is because these prisoners were not classified; they were more or less an unknown quantity, so they segregated them in order to classify them and find out who they were.

Mr. PHILLIPS. Describe the physical layout of that particular plant. Were there men sleeping on the floor?

Judge KELLY. No. Throughout the system, that I observed, when they had cells there is a standard iron bunk with a standard cotton-bat mattress.

At Lake Butler, one man would have the bunk and two men would put their mattresses under the bunk, and during the daytime they would pile their mattresses on top of the mattress on the bunk.

And the facilities there were 4 by 8. There would be a toilet facility and a bowl.

Mr. PHILLIPS. It is my understanding that at night the two mattresses for the other two men who did not have a cot were laid on the floor.

Judge KELLY. That is right.

Mr. PHILLIPS. And the men in the cell would have to sleep right on the floor.

Judge KELLY. That is correct.

Mr. PHILLIPS. In order to use the toilet facilities, you would practically have to stand on the man sleeping?

Judge KELLY. You would have to stand on the bed or else move the bed out.

There was no way for anyone to stand up and walk around when they had this arrangement unless the mattresses were moved.

Mr. PHILLIPS. This is the induction place where a new man goes into the system?

Judge KELLY. This is right.

Mr. PHILLIPS. Thank you, Judge.

The CHAIRMAN. Mr. Mann.

Mr. MANN. Is this disciplinary practice a standard thing?

Judge KELLY. No. This is given to prisoners that are put in punitive segregation.

It is a disciplinary measure with the prison. While I was there, I spent about 2 or 2½ hours in one of these cells at night, and later on that night I was moved out into a regular population cell.

I do not know this really proves anything, and I do not know that it is helpful to judges, but I think that you understand these places better if you smell them. And you are alone and you listen to the noises that transpire in these places and you get an opportunity to look at the people very closely.

Getting back to the punitive diet. It makes many of the inmates extremely sick, and there is a high incidence of ulcer development when they are in this situation. It is really bad. Some men adapt to it very well, and, naturally, gain weight on it. It is just a question of individual adaptability.

The punitive segregation situation has been relieved somewhat in the east unit. They have changed the design of these solitary confinement cells, and this was happening about the time I was there.

I understand it has been completely eliminated now.

Mr. MANN. I have information that indicates that you feel that one of the primary deficiencies of the correction system in Florida is the lack of coordination between law enforcement, the courts, prisons, and parole systems, in that they do not identify a common goal or coordinate in their efforts to reach that goal.

Judge KELLY. Yes. There has been some alleviation in the strain between the parole commission and the prison authority which are not under a joint control. The prison authorities felt the parole commission was not appropriately influenced by reports that they would give to the parole commission, and that the decision of the private authorities regarding the progress of an individual prisoner was not used as a guide by the parole commission. The prison authorities felt that they would know best about the progress of an individual prisoner, and I think that, logically, perhaps this is true. So, there was a lack of communication between these two units.

I think that the courts are constantly aggravating the situation in the prisons by delaying the disposition of cases, by recommending that people receive psychiatric and special educational training and care when these facilities do not exist.

It was a fairly common, standard practice for the judges in Florida to give prisoners indeterminate sentences, and this was a source of irritation between the parole commission and the prison authorities, and it created a great deal of tension in the prisons, because the prisoner would go through there believing that he was going to be subject to release in 6 months because he had received a 6-month-to-5-year sentence.

Mr. MANN. Where was the breakdown? Whose responsibility was it to review that sentence?

Judge KELLY. The prison authorities are supposed to make recommendation to the parole commission, but the parole commission actually makes the determination as to whether or not there will be a release.

Their explanation for why they did not follow through on the program was because, philosophically, they disagreed with the system that turned prisoners loose before they had served their sentence and without parole supervision because if a 6-month-to-5-year sentence, an indeterminate sentence, was set at 18 months, when the prisoner was released he was not released on parole but was simply released as having completed his term.

Mr. MANN. And if they were released after 1 month, they still would have completed their term?

Judge KELLY. Yes.

Mr. MANN. Among your recommendations, there is one that developed alternatives to prison sentences.

I recognize the obvious alternative is probation and some practice of the weekend out of prison.

Other than those, what alternative do you have suggestions on?

Judge KELLY. I really do not know what kind of a can of worms I am getting into when I suggest this, and I am not really talking about the Job Corps or this particular program or that. I am talking about maybe something even remotely like it. If a judge had a young man that was consistently getting into trouble, maybe not serious trouble from the standpoint he was harming any individual or stealing anything

of great moment but was persistent in his criminal activity, but had a place where the judge could send him where he would get supervision and he would get regular meals and he would get training.

Mr. MANN. Really, what you are suggesting is a more sophisticated probation system?

Judge KELLY. Well, I am suggesting that a more brilliant mind than I come up with some answers to the problem.

I think that there is a very fertile field in the area of alternatives to prisons, and I hope it is not limited to my ingenuity.

Mr. MANN. All right.

In that connection, admittedly, judges should be aware of various alternatives available to them to sentence individuals to—as we improperly say.

Judge KELLY. Right.

Mr. MANN. Do you think that the judge can adequately fulfill that role of determining the type of facility to which the defendant should be committed?

Judge KELLY. Yes; I do. I do not advocate that the judge relinquish the sentencing authority; and the reason for this is that I think a judge is probably in a position to be objective and to be fair.

And in the other category, I think the courts and the law enforcement system of which the prison is a part exist to serve the public, and I think that the public's response and appreciation for what happens is important, and I think that the judge, in a way, is cognizant of that and represents the attitude of the public.

I think, in some way, the sentence should reflect that.

If the community feels that a particular defendant should be torn asunder by wild horses, there is probably a pretty good reason for that, and I think that horses could be injected in the sentence and no great injustice would come as a result of that.

Mr. MANN. Do you have adequate presentencing investigation in Florida?

Judge KELLY. I think, as a practical matter, that I do.

You know, presentences are conducted by individuals, and so there is a variation of qualities.

It could vary greatly from court to court and circuit to circuit.

I am satisfied with the people I work with in this regard.

Mr. MANN. Thank you.

The CHAIRMAN. Mr. Wiggins.

Mr. WIGGINS. Thank you, Mr. Chairman.

Judge, you raise some interesting questions. We all know it is not the function of the Federal Government to administer State prisons. Our function is, perhaps, to provide assistance to the extent that we have the financial capability to do so, and doubtless this committee will make a recommendation in that connection. The assistance will probably be financial.

Is it your recommendation that any financial assistance provided to States and earmarked for prisons should be without further condition or should be subject to programmatic conditions?

Judge KELLY. If I answered you by telling you what I wished would be the situation, I would say that the Federal Government should stay out of Florida's business. But I cannot do that because I do not believe that it is functional. Philosophically, I am a State righter, but in prac-

tice and in fact, I find that much of what is good in Government emanates in Washington. The good law enforcement in our county in times past has been almost completely dependent upon this much maligned Internal Revenue. And the FBI, as an example.

So my recommendation is that the Federal Government set standards and send inspectors and see that the public's money is used intelligently when it is given to the prison system in Florida.

Mr. WIGGINS. Now, if we were to follow that advice, would you make further recommendations as to what standards and conditions and criteria we should impose?

Judge KELLY. I do not understand your question.

Mr. WIGGINS. I would like to have your recommendation as to standards and criteria we should impose upon States who are willing to accept Federal funds for prisons.

Judge KELLY. This, I think, includes several things. One is, I think there is a real need for standards for guard personnel and all staff to be set up. I think that these standards should be complied with.

Mr. WIGGINS. Are you talking about educational standards, training standards, that sort of thing?

Judge KELLY. I am talking about those things, but I am also talking about psychological standards. I feel as though much prison classification could be better used on the staff than it could on the inmates.

Now, I do not mean by this that the staffs are all disturbed or anything like that, but I think that some people just are not suited perhaps for that kind of work and just because that work is available in the neighborhood does not make him a good choice for a particular position in a prison.

Mr. WIGGINS. At this point, sir, if I can interrupt just a moment, do you think it would be good or bad to permit Federal funds to be used to pay salaries of prison personnel?

Judge KELLY. I would think probably this would be fraught with a great many difficulties. I do not think of anything that it would really accomplish. If the Federal Government did that, I think that they would go farther than is necessary toward actually controlling the prisoners.

This is not a politic thing to say, but I think that there must be some significance to it, and I mention it to the committee for this reason: Beyond doubt, the best institution in Florida that I observed was the Federal Corrections Institution at Tallahassee. The warden's office there was absolutely the most threadbare office that exists in the whole State. I am sure, in any penal institution. The superintendent's office in the main unit at Raiford, which was the worst unit that I saw, was absolutely opulent by comparison. It was larger, its appointment was more than satisfactory. And I think that this kind of incongruity is not lost on the prisoners.

I think you have always got to remember that there are a lot of really bad people in these prisons and they do not like anyone. They do not really like themselves too much. They are going to do everything they can to distort and upset and impede whatever is done that is good in the prisons. These little goodies like that, these little inconsistencies, are really their stock in trade. And I think that Federal standards can perhaps do something about things like that.

Mr. WIGGINS. Should Federal funds be permitted for the construction of State facilities?

Judge KELLY. Yes; I think that is true. But I think that another thing that can be done is the acquisition or creation of prison plans. Prison plans should not depend upon just what architect you happen on. I think the Federal Government ought to really try and come up with something even revolutionary in the design and construction of prisons, and that the Federal Government could be very helpful in making this type of data and its information available to the States.

Mr. WIGGINS. Judge, you mentioned in your prepared testimony the difference between presentence investigations available to the judges and presentence classification. I would like you to expand on that.

Judge KELLY. Well, an individual's conduct, what he has done in the past, and what he has just done is certainly a good indication of who he is and what he is. I think there is no doubt about that. But when psychologists and psychiatrists get through with their detailed examination, there is much they still do not know about an individual. So somewhere in between those two things, I think, is an important area for improvement. If classification would take place before the judge sentenced, it might be that the judge would avoid sending an individual to one of these prison alternatives, when the individual should actually go to a maximum security unit.

You see, the prison systems now pretty largely determine, and I think judges do, too, to a greater degree, and I do not exempt myself from this, rely on the age of an individual and what his record is. But an individual can be a lot more than his record or his age would indicate. But I think the classification would detect that better than any other device.

Mr. WIGGINS. Would you think it would be appropriate for the Federal Government to attach conditions on the receipt of Federal funds for States to institute such procedures?

Judge KELLY. Yes. And one more time, this is an area where the Federal Government can assist in training, training standards and basic research, in areas of classification of this kind. I think that there has not been enough done in this area. The Federal Government has a police academy that is conducted by the FBI, but the prisons are just as much a part of the law enforcement machinery as are the police. I see no reason why there would not be a national system for training penologists and penal staffs, which would include classification officers.

But I think that much of the key is classification for this reason: We do not have the money, we do not have the unanimity of our society about how prisoners should be treated. There are some prisoners that I think most of the public and most everyone else would feel could be rehabilitated. These people, regardless of their age or background or any other consideration, should be isolated and be given rehabilitation that we can afford and the other people should be told they are being warehoused and punished because they were bad.

Mr. WIGGINS. One final question, Judge. It is commonly said one of the causes of unrest in prisons, and one of the needed reforms is to establish some better sentencing procedure than we now have, avoiding, if possible, disparate sentences. I doubt if that is going to be possible, so long as sentences are determined by the individual judges.

Do you think it is essential to achieve justice that the judge who hears the case and either accepts the verdict or determines guilt be the judge who sentences the defendant?

Judge KELLY. Well, Congressman, I am sure that you do not harbor the belief that every defendant wants justice. A lot of them want mercy, and I am not real sure that the trying judge is not a qualified person, because he has had an opportunity to hear the case. The crime that has been committed, I think, is a logical basis for sentence. It is not generally accepted as such, but I think it is certainly a valid consideration and no individual would have as much information about that as the trial judge, that has any objectivity at all.

Mr. WIGGINS. So long as individual judges are hearing separate cases, it is inevitable that the judgment of those judges will differ, even though they may meet together to discuss appropriate guidelines for sentencing. The fact is, it is inevitable, that different sentences will be accorded to different individuals and that is wholly appropriate.

The options that are indeterminate sentencing, which has its built-in problems, or delegating to some other central agency the determination of sentencing after guilt has been ascertained, that one agency meting out all of the sentences in certain jurisdictions. Arguably, it is a judicial function and not a prison administrative function or parole function, and, therefore, it ought to be made by, or at least under control of, the judiciary.

Do you find anything contrary to your spirit of fairness and justice, to have either a central judge or panel of judges, who will hear the presentence reports or preclassification reports for all defendants found guilty, and to decide the appropriate sentence for these defendants coming from several courtrooms?

Judge KELLY. My view would be this: That if you are going to move away from the trial judge, I think you ought to then go to experts. I do not think that judges, as such, really have any more expertise or sense of justice than other people have. I have at least as much, if not more, satisfaction with juries than I do with judges.

But there is one other thing—I know time has run out—but I would like to say one thing this committee should consider: That one of the astounding facts about prisons is this, that they are probably the most lawless place in our society. There has got to be something the matter with that. It has got to be contrary to any kind of rehabilitation, that if we, the good guys, cannot maintain law and order in that kind of an arrangement, then how can we expect these people to believe in law and order, and the effectiveness of our society? And this is a dominating factor every place, that they are lawless.

The CHAIRMAN. Mr. Murphy?

Mr. MURPHY. Thank you, Mr. Chairman.

Judge Kelly, I, too, want to compliment you on your interest in the affairs of our penal institutions.

Judge, I take it from your testimony that you feel very strongly that, at least on your own part, most judges should interest themselves in at least a visit to the penal institution to find out what is being done when people are being sentenced to a term in a penitentiary, whether it be State or Federal. Would that be a correct assumption?

Judge KELLY. Yes, sir; it is. The basis for that is the judges have virtually no specific training in their trade prior to the time they take the bench. They have some general training, and until very recently, judges did not have the type of schooling, for instance, that Congressmen get when they come to Congress. Judges need this. And I think they need a continuing education.

This is an area in which the Federal Government can also be of great benefit.

Mr. MURPHY. Judge, I come from a section of the country, Cook County, Ill., where there is a great backlog in pending criminal cases and civil cases and there is a term amongst lawyers and judges, of course, that "Justice delayed is justice denied."

What is your experience in Florida about housing defendants that are awaiting trial? What is the length of time before a serious felony case is heard?

Judge KELLY. I had the good fortune as a prosecutor to work with Federal judges that had no patience with delay in justice. I think this training has carried over into my work as a judge, and in my county the population has doubled in the time that I have been there and there are no more people in the county jail waiting action by the court now than there were when I arrived there.

I think this is extremely important, and I think to put this in perspective, there is a great deal of wailing these days about "Well, the whole thing has gone against law enforcement, that the pendulum has swung the other way." There are so many things that law enforcement and the courts could do that would moderate the swinging of the pendulum and one of them is to get an early trial. Because when you delay a trial for 90 days or 4 months even, you start to compromise the position of the witness. Because they are asked, "Well, what kind of a shirt did your mother have on last Thursday?" "Well, I don't remember." Then that witness' credibility is attacked on that basis because he cannot remember what happened last Thursday, much less 4 months ago.

So there is a lot that can be done in that area about expediting the cases, because a lot of tragedy takes place in these county jails. It does in my circuit. There are sexual assaults and other types of physical assaults. There is nothing in the way of recreation or relief for these people, and when they stay there for a long time, they cannot help but start to build this cynicism that creates the tensions in the prisons.

When they hear all of this baloney about speedy justice and the right to a speedy trial and all of this, and it does not materialize, I think in the areas where the situation is such that you cannot give them a speedy trial, you ought to at least apologize and tell them that you are failing and tell the public you are failing, also. Because at least those prisoners will think you are honest, and I think that is important.

Mr. MURPHY. Judge, from your personal study and experience with the penal system of Florida, do you think there is an adequate procedure whereby inmate complaints, whether they be legitimate or spurious, are brought to the attention of proper authorities?

Judge KELLY. I am sure that there is not any serious problem in Florida in this regard. Now, it may not be the easiest thing for pris-

oners to have access to a newspaper reporter just any time he wants it, and I am not suggesting that. But I think if there are legitimate complaints, that they can be gotten to the proper authority.

You have got to remember this, that the prison cannot adequately investigate and followup on every complaint, because these people are the best complainers in the world. If you think that soldiers and servicemen are good gripers, you ought to go to a prison. But when I went there, I did not get specific complaints about "this guard hit me in the head last Thursday morning at 9 o'clock." It was complaints like, "It is not fair here because every time the guards change the rules change, I stay in constant trouble because I don't know what is going on. One guard will let you get away with something and the other one doesn't."

So the complaints are general and not specific. I did not come out of any of these prisons with a specific complaint that I thought should go to the administration and something should be done about investigating that specifically.

Mr. MURPHY. Was there a procedure set up whereby an inmate could complain?

Judge KELLY. Yes; they could do this through their guards and so forth. Now, whether there is a breakdown in that, I just really do not know. The reason that I am confident that there is no problem about that, I never heard anything about it anywhere I went, that they had complaints that they could not get investigated.

Mr. MURPHY. Your prison personnel in Florida, are they merit system or strictly patronage?

Judge KELLY. I do not know.

Mr. MURPHY. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Steiger?

Mr. STEIGER. Thank you, Mr. Chairman.

I was very impressed, Your Honor, and I particularly like your approach about being honest with the prisoners and the public.

I know it is dramatic and unconventional and certainly a sure road to political suicide, but I suspect that therein lies the strength of everything you had to say. There is no question that a good examination of the prison system will tell you that rehabilitative cosmetics are sometimes convincing and sometimes are not convincing. So I think you contributed a great deal and I, personally, thank you for coming.

Judge KELLY. Congressman, I would like to say this, if I may. It takes a great deal of fortitude for me to suggest to a Congressman something that is in the area of politics, but I do not think the American public really has to be fooled. I do not subscribe to that. I know that my case is not a good one, it is not any better than anybody else's as establishing a basis for a law, a political law. But I think the American public is just like these prisoners. They may not like it, but I do not think they will necessarily vote you out of office because you tell them the truth.

Mr. STEIGER. I agree. The political formula has been established for so long it is very difficult to break the precedent of adherence to that which you know is simply not so. Even the great penchant of the media to expose that which is not so, they go along with 80 percent of the romance, either because of involuntary reaction or simply because they do not know any better.

But I think the prisons are probably the best example. There is no rehabilitation. We can point to 3 or 4 percent rehabilitation, and those people, obviously, would have made it on their own anyway.

I think your expressions are very well taken and I think your conclusions of your experience are completely valid. I do congratulate you.

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Judge, your candor has been refreshing. Tell me, when you were talking with the inmates while you were in some of these prisons, how did you explain to the blacks that while they represented a minority of the population of the United States they were representing a majority of inmates in the U.S. prisons and State prisons?

Judge KELLY. Well, I tried, and it is not a comfortable explanation. Their hostility about this is real, and I think it is not entirely justified. There are a lot of reasons why there are more black people in Florida's prisons than a fair percentage ratio would indicate. I think these reasons are the type of crimes that blacks commit.

Now, I am not talking about something I read in a book; I am talking about the people that come before me. Ten years ago, most black people came because they were involved in some kind of an assault. I philosophically take the view that our society cannot stand physical assaults, that we must find another way to live with one another.

And this business—well, if you will just cut another black man. I will forgive you, but you must not cut on whites, this is not a factor. The law should be that you must not cut on anyone. And no one must cut on anyone. So I think this deals with the fact that blacks do get longer sentences, and I think that they do more often go to jail, and they do not as often get probation, because if one takes a knife and cuts someone pretty seriously, I do not think this is the kind of an offense for which you should start rehabilitating this person.

I think the society in which I live wants that person punished. I think it is dishonest for me to act like I want to rehabilitate everybody. I think some people should be punished. I could imagine someone committing a crime in my presence and maybe even I, myself, would shoot them. And I think most reasonable people respond in that way.

I do not think that racial prejudice is a substantial basis for the disproportionate number of blacks in Florida's prisons.

Mr. RANGEL. Then it is your opinion, as far as the law enforcement in the State of Florida, that regardless of the color of one's skin, each person committing the same factual crime would receive equal treatment at the time of arrest?

Judge KELLY. I cannot really respond to that for Florida. I think I can respond to you about that in the area in which I live and operate. I think there that this is true.

Mr. RANGEL. Let me ask this, Judge. What do you believe is the quality of criminal justice in the court system as it relates to poor defendants?

Judge KELLY. Well, it is inferior. Poor people do not get anything that is as good as rich people, except maybe their mother's love or something like that.

Mr. RANGEL. The fact exists that black people are considered in many areas to be included among the majority of the poor. And if

they are poor because of racial prejudice don't you believe this would be a real factor related to how they got to jail in the first place?

Judge KELLY. Yes; but it is related to their being poor, not related to their being black.

Mr. RANGEL. So you believe the color of one's skin has nothing to do with his economic level in the general population of the United States?

Judge KELLY. I am not qualified to answer to that. I can tell you about where I live. This business about the kind of treatment that the races get just simply does not exist. They have the same lawyers. I think the lawyers try as hard in one situation as they do in the other. I detect nothing to indicate that there is any difference in the quality of justice for blacks and whites.

Now, rich people—when one comes to court, justice does not overwhelm him just because he is there. What justice he gets, he scratches for and works hard for and uses a great deal of ingenuity for. And poor people are not equipped to do that. They cannot bring in the expert witnesses and the doctors to say: "Well, if you send him to prison, he will have a heart attack and die" and all of this.

So they are not able to ring out every possibility that the system affords. So the justice is not as good. But I do not see why everyone is so concerned about that. The poor people do not get the same good treatment in any other way, either.

Mr. RANGEL. So we should just put justice among the other benefits we have and say that it does not work that way in any other category, so that justice should be treated the same?

Judge KELLY. There is some phraseology in that that I do not want to adopt. I do not think that we ought to sack what is a good system because it is not perfect, because as long as you have people running our system of justice, it is going to be imperfect. The system of justice we have needs a lot of revamping and reform. And I do not think that is one of the areas where reform is needed the most.

As a practical matter, we just cannot, we do not have the treasury to give every individual the kind of justice that a wealthy person would receive in court. So why should we start acting like we can? Why don't we just say that we cannot, do the best we can, strive for what we can accomplish, but do not destroy what we have trying to get something that is not attainable.

Mr. RANGEL. Are you saying at this point that poor people should accept the fact that they cannot obtain the same quality of justice as someone in a high economic level?

Judge KELLY. I am an American and I believe in America. Americans do not accept anything unfair. I am not recommending that to anybody. I am opposed to it.

Mr. RANGEL. That is the price they pay?

Judge KELLY. No. But I do not think you have to tear the courthouse down in order to improve the system. I do not think you have to stand up and say the system is no good because it is not perfect.

I think that we have to do whatever we can, realistically, to improve it. It needs some improvement. But it may be that the whole judicial complex is too intricate as it is, that appellate time takes too long, that the sentencing procedures are too complex, that the trial procedure is too long, that there are too many frills about our system.

And there are many people that are suggesting that we seek a more simple practice.

I think that there may be intelligence in that. But I think that any change about these courts, about the basic operation, should be approached with a great deal of caution.

Mr. RANGEL. Prior to your election, Judge, in your experience as a lawyer, did you find that black offenders were addressed the same way as other offenders in courts in Florida?

Judge KELLY. No. They were addressed the same as everyone else in the courts where I worked because I worked in Federal courts. But in the State court where I now preside they were called "Boy" and were treated very definitely in a different fashion.

The first colored defendant that appeared before me was represented by a lawyer that argued that:

These people just don't have the same moral standards that we do, and you can't expect them to, and so the fact that he did cut this person seriously has just got to be overlooked because they are what they are.

The white community response to that should not be: "Well, gee, I want to be a good guy so I want to treat them the same." The white response to that, as a practical matter, should be that they are to be treated the same, because we are living together and this is a fact. If we are going to live together, then let's make it as easy on each other as we can.

So to treat you fairly enhances the possibility that I, in turn, will be treated fairly. And exactly the same philosophy and communication starts to flow between you and me as it does between Congressman Mann and me.

Mr. RANGEL. Judge, in your experience as a defense counsel or prosecutor, did you find that those that pled guilty to a crime rather than go through the experience of a trial received lighter sentences?

Judge KELLY. I think that the people that plead guilty get lighter sentences.

Mr. RANGEL. What is the reason for this judicial philosophy?

Mr. WIGGINS. I did not understand that to be your "judicial philosophy," Judge; is it?

Judge KELLY. As I understood the question, I was asked why or what is the explanation for individuals that plead guilty receiving lighter sentences. I think there are a lot of reasons that are individual to particular judges. In gross, the answer to that, I think, is that the first step toward rehabilitation is an acknowledgement of the crime and of the criminal act. And there is much logic in that.

Mr. RANGEL. Did you as defense counsel explain this to some of the defendants that you represented?

Judge KELLY. I want to appear as knowledgeable as I can, but I have never defended anyone.

Mr. RANGEL. Let's take the other role. As a prosecutor, did you make note to the defendant or his counsel that the defendant's first step to rehabilitation would be to plead guilty and receive a lighter sentence?

Judge KELLY. No. As a prosecutor I have told defense counsels that when a case was pleaded that another case would be *nolle prossed*. But beyond that, I have never engaged, as a lawyer, as a prosecutor, with any defendant or his lawyer about a guilty plea.

As a matter of fact, I have many times moved the court that the plea of guilty be withdrawn or be denied, and that the defendant stand trial, because I felt very strongly that the Federal Government should not put itself in the position of preying on people that are weak, that if this individual is charged and is guilty we should be able to prove it, or he should be able to walk out.

Mr. RANGEL. Isn't it common in the U.S. attorney's office, as well as in the district attorneys' offices throughout the country, that when the defendant has cooperated with the government he is promised preferential treatment as relates to his sentence?

Judge KELLY. Yes. There has been some American Bar Association approval and there has been some judicial approval, appellate judicial approval of plea bargaining. And as a judge, on a few occasions I have committed myself to the proposition that if the defendant pled guilty and if the facts were such as were indicated to me, that I would not sentence them to, say, more than 2 years or 1 year, and then would base the sentence on this understanding, which could be even probation.

I am not satisfied with the situation, but the law provides that it is a possibility. And when the defendant, the defense lawyer, and prosecution want this, I have on a few occasions—I am talking like probably three or four occasions—gone that far as a judge. But I never did as a prosecutor.

Mr. RANGEL. Judge, why do so many judges indulge in the hypocrisy of asking the defendant, before receiving his plea of guilty, whether or not any promises have been made to him by his counsel, by the district attorney or by the court, before they accept his plea of guilty?

Judge KELLY. I do not know. The way I handle this, I reiterate on the occasions when the situation has been before me, I have described to them what I understood the situation was on the record and I asked them had they been promised anything different than that, or more than that. But I have never asked them "Has anyone promised you anything," and then accepted an answer of "No."

Mr. RANGEL. But haven't you found this to be true in your experience?

Judge KELLY. Yes.

Mr. RANGEL (continuing). That judges actually are involved in a conspiracy with the defendant, knowing that the defendant has been promised a different type of treatment and yet insist under his first step to rehabilitation that he lie to the court and say, no promise has been made?

Judge KELLY. Yes. But there is some law in this area that is even more startling than that. The judge now is no longer in a position to protect a defendant that appears before him and says that he is guilty, but in his explanation indicates that he believes himself to be innocent. The law now seems to be that the judge must accept this guilty plea, that the defendant has a right to plead guilty.

I did not have anything to do with that law and I am proud that I did not, because I think it is wrong. I think that the people I represent want no part of that type of thing. But it does exist.

So that is even more hypocritical.

Mr. RANGEL. So that when we start off with the system of justice, whether we are talking about the institution in which the defendant

finds himself, whether he is guilty or innocent, we really start off with a major hypocrisy that poor people, first, will not be receiving the same quality of justice as relates to the crime that he is charged with; and, second, in many counties throughout the States the color of his skin will have a judgmental effect as to the quality of justice he will receive. And then we send him to be rehabilitated according to the high standards of justice and fair play enunciated by the Congress and public officials?

Judge KELLY. Generally, I agree with that. The part about the color of his skin, I cannot say. "Yes" to that. I just am not qualified to say about areas other than where I live.

Mr. RANGEL. Well, the chairman of this committee suggested or posed a question to several witnesses as to whether or not they thought the dignity of an inmate might be protected merely by calling him "Mister."

Now, certainly, if this idea had been accepted by some of the experts, would you agree that this same terminology of respect, rather than derogatory terms, should be expected by someone who has not been convicted of a crime, while he is a defendant in court?

Judge KELLY. Yes; and let me give you some hope in this area.

Recently, in immediate succession two new young public defenders have started working in the court where I serve and there is a marked improvement in the dignity that is afforded their clients. And this I approve of. I encourage it, but it was their doing, not mine. I think that is a very hopeful thing. Their people are called "Mister" black or white, and as far as I can tell, there is no distinction in the treatment or the address.

Mr. RANGEL. Judge, I do have great hope, because I make \$42,500, merely suggesting to the overwhelming number of black inmates who find themselves in conditions where 10 are assigned to a cell—do you expect for them to have the same type of hope as we do?

Judge KELLY. No, I don't, because you have got to understand, Congressman, that most of these people that are in those institutions are defective. I do not know why they are defective, and I do not know how to cure them, but they are defective.

Mr. RANGEL. May they not be the victims of the very defective system that you just described and said exists?

Judge KELLY. Yes. But mostly, like all except one-tenth of 1 percent, they are just defective. And I am not talking about defective because of color and I am not referring to black people. I am talking about all of the people that are in prison. These people are weak, they are disorganized mentally or emotionally, their wires are crossed.

I do not know that anyone really understands why. But these people, the mass of people that come before me, are young, they break in a place or steal a car. If they break in a place, they get five boxes of "Mr. Goodbars" or three cartons of cigarettes and subject themselves to 5 years in the State penitentiary. That is not even rational. And they will do that repeatedly. They will do it when they are caught repeatedly. They will do it after they are put on probation, even repeatedly.

Mr. RANGEL. It is surprising, Judge, that this type of conduct has been attributed to some of the Catholics in Northern Ireland, and, cer-

tainly, in reviewing the American Revolution, the very same type of conduct has been attributed to the young who were trying to resist oppression. But, certainly, in the system as we find it now, where minority groups, regardless of their color become the overwhelming majority in our prison institutions, I just cannot see how we can say that they are the ones who are defective, unless we are saying that—well, I do not think we are saying anything.

Judge KELLY. Well, let me say one thing to you. Just because an individual is wealthy does not mean that he is going to get a better quality of justice. And this fact exists. Because I know that there are times when poor people do, in fact, get better justice than wealthy people, with attorneys that they have acquired through their own processes.

Mr. RANGEL. This would not be reflected in an examination of our prison population; would it?

Judge KELLY. This is true. And the reason is because wealthy people are able to afford the judge more sentencing alternatives.

Mr. RANGEL. But you are not saying that they are less defective?

Judge KELLY. No.

Mr. RANGEL. You are saying that they are more wealthy?

Judge KELLY. I am saying that they are more wealthy, and I am saying because they are wealthy that justice should not be less. I am not angry at poor people and I am not angry at rich people. I think they should all be treated fairly. And if there are no alternatives, it may be that an individual will go to jail, whereas if there were alternatives he would not. This is the difference between being rich and poor. And the courts exist in a world and this is the way it is in the world everywhere, in everything.

Mr. RANGEL. Thank you.

The CHAIRMAN. Mr. Winn?

Mr. WINN. I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. Sandman?

Mr. SANDMAN. I have no questions.

The CHAIRMAN. Judge, you said that most of the people you find in prison are poor. Aren't they also generally uneducated? I mean, they did not get very far in the educational system?

Judge KELLY. Yes, sir. This is a classification, also.

The CHAIRMAN. We found at Attica, for example, that 80 percent of the inmates there were high school dropouts. I talked to a number who never got passed the fifth grade.

Do you think out of your experience that there is any relationship between the sort of treatment an individual gets after he is incarcerated in a correctional institution, and the commission of crime by that individual after he gets out of that institution?

Judge KELLY. Yes; I do.

The CHAIRMAN. So there is a direct relationship, in your opinion, which would justify this committee, which is concerned about crime, in looking into the treatment and rehabilitation which people receive while they are incarcerated in correctional institutions?

Judge KELLY. I do not think there is any question about that, and I think it is as relevant for this committee to examine into these prisons as it is to examine into the Mafia or Bolita or anything of this kind.

The CHAIRMAN. Judge, do you find the physical layout of the Raiford Prison desirable as a correctional institution, or is it too large?

Judge KELLY. Mr. Chairman, it may be, but I do not think really that is the main problem. I think the main problem is its location with regard to population centers. I think that is more serious than the size.

The CHAIRMAN. Why is its relationship to a large population center important?

Judge KELLY. You can get a better quality of people to work there, because you can get more for your money because you have a wider selection. There are more parents and families that are close by that can come and visit the prisoners, and I think that is therapeutic. I think you can get a lot of volunteer services from citizens that want to and are willing to help. The Federal Penitentiary in Tallahassee draws heavily on the State college in Tallahassee. With universities immediately at hand, help can be gotten from them, I think in some instances, on a volunteer basis. I would not be a bit surprised if the Raiford-type institution was located in close proximity to Miami or Jacksonville, that there could be a real vocational rehabilitation system developed on volunteer help such as welders, and carpenters, and that kind of people.

The CHAIRMAN. In addition to that, Judge, would there not be the advantage of these inmates having access to various types of jobs where they could be working on a part-time basis, on a partial relief basis?

Judge KELLY. On a work-relief program?

The CHAIRMAN. Yes.

Judge KELLY. Yes, Mr. Chairman; there is no question but what this is a viable program, and it being close to these population centers is necessary in order to give them the work.

The CHAIRMAN. When these institutions like Attica were established in a small town in New York, Raiford in a small town in Florida, they were established originally with the concept that prisoners, as you say, were to be simply put away and kept in custody in warehouses until they were released. The idea we are talking about was not so much in the thinking of the authorities at the time these institutions were built; was it?

Judge KELLY. I agree with that. I think that also they were of economic assistance to the area. I think that legislators needed this. I think that the urban legislators did not want them, and so they went where they were wanted. And perhaps even needed. What would be good for the prison was probably not a consideration in the process.

The CHAIRMAN. Would you state whether or not, according to your observation, from your visits there, the atmosphere in Raiford is desirable and conducive toward rehabilitation?

Judge KELLY. No. Congressman, one of the overriding characteristics of the atmosphere is fear. You can go into the prison and if they have not disposed of them, they can show you bushel baskets filled with an assortment of knives and weapons, and these are all items that have been taken from prisoners for use on and defense against each other. And it is not conducive to anything except fear and hopelessness. It is a crime place. And it is much worse in the east unit than it is in the main unit, and it is much worse in the main unit than it is

anywhere else in the system; at least in the other institutions that I visited.

The CHAIRMAN. Mr. Wiggins touched on the idea of sentencing by the court. In New York State, as I understand it, there has been legislation recently where they tend to prescribe what the range of sentence will be for different types of offenses, instead of leaving it to the judge, because the prison authorities say that—in the State of New York they have been talking about—one judge will give maybe twice as much of a sentence for the same offense as another judge. I suppose we find that in Florida, a variation in the type of sentence and severity of sentence given by different trial judges; do we not?

Judge KELLY. Yes; we do.

The CHAIRMAN. In both the Federal and the State court?

Judge KELLY. Yes, sir.

The CHAIRMAN. Would there be any merit in a judge, after an individual is convicted of a crime, committing that individual to the custody of the correctional authorities of that jurisdiction, with a view to that authority, based upon the response of that individual to attempted rehabilitation and the like, having authority to determine when that individual should be released?

Judge KELLY. In answer to that: First, there is something the matter with the premise; and then, second, I can think of many people that come before me that I would not want to send to the prison system under any circumstances, to be evaluated or otherwise. I think that the matter with the premise is this: It is not just that the judges in Miami are more harsh on one type of crime than they are in Escambia County. The fact is that an individual judge will give different sentences, widely varying sentences, to two defendants that stand jointly guilty of the same offense. And when these people go to a penitentiary and start comparing notes with their cellmates, there is going to be an apparent inequity. But this inequity is based on logic. So I think that, in fact, you are going to get substantial variations.

Much of this variation can be reduced by educating judges to be more sensitive to the information that is available and to the process. The rare hazard is the judge that is trying to establish that he is a very severe person or a very tough judge. No judge should be either sort. He should try and just be intelligent. This is not always easy, but this should be the effort.

The CHAIRMAN. Would you regard it as a desirable use of Federal funds if they were provided to maintain training schools or training seminars for judges in order to give them that degree of understanding and sensitivity?

Judge KELLY. Yes. This is one of the areas that is very fertile, and I think it is one the Federal Government could easily participate in. But I think there should be woven into this type of program, a program for increasing and improving the communication between all people that are related to law enforcement.

And the public defenders, the way the public defenders for instance, are constantly given a bad name and abused in prisons. Part of this is due to a lack of communication. The public defender just not knowing how to communicate with his client and to explain to him and the importance of explaining to him what he has done and why he did it.

So I think you need to get everybody involved: the public defenders, the courts, the parole commission, the State hospital.

I realize it is a digression, but I think it is pertinent to the question. One of the real problems in Florida is that the present system has no place to send people that have a serious mental illness, unless they are adjudicated to be insane. And the State hospital does not want these people because they feel as though the prison is just simply sending them there as incorrigibles. The State hospital is not equipped to handle the criminally insane, and yet they have about 500 of these people.

I think that number is right. It is a large population of the criminally insane. The doctors say that they cannot treat these people because they do not have the type of security to give the prisoner some freedom that he needs for treatment. They have to be locked up in wards.

So all of this goes into this communication and education that the Federal Government could do research in, and could give interest to.

The CHAIRMAN. Judge, do you think we spend too much of the money that is available for the correctional institutions upon administration and security rather than upon rehabilitation, education, and training?

Judge KELLY. I do not have an opinion that I would rely on in answer to that. I just really have not examined it from that standpoint.

The CHAIRMAN. Well, of course, those are things that have to be done. What has often occurred to me—for example, in an institution like Attica or Raiford where the larger the institution the more difficult it is—is whether everybody has to be locked up in a cell so many hours every day. If you have adequate safeguards, have walls around and towers and guards to protect, do you think as many locked in the cells now have to be locked in cells to keep from escaping?

Judge KELLY. No. But this type of security is not just aimed at the prevention of escape. Part of this deals with protecting your prisoners from each other in the way of violence and in the way of other illicit acts between the prisoners, and this must be considered in that problem, also.

I think that this was a surprise to me—it may be interesting to you. When I went through the prisons I felt the prison authorities were going to be ultraconservative and that they would be further toward being conservative than are the police. But I found that this was not true, that there was almost unanimity among the prison authorities that too many people are sent to the prison and that many of the people have obtained maximum benefits from imprisonment the day they arrived. If you could put them back on the bus and send them home that day, you would have done the best for them.

So one of the things that needs to be done before a whole lot of money goes into Florida's prisons is to classify these people by the most sophisticated classification system and rely on it and try to get the people out of prison that could profitably be gotten out to reduce the burden on the prison system.

I realize that this is a digression; but in connection with this classification, the classification in a prison system is based on age, and whether or not they have committed an offense previously and, in part, on their security risk. But, really, what is needed is an institution for

retarded people, because a retarded prisoner just cannot cope with what he is faced with in a prison system as it now exists in Florida. There are some people in the prison system that have IQ's of 50, 55, and 60. They just do not have any business in a prison population as it is now constituted.

There is a large percentage of the population that should really be in a hospital-type institution for treatment of their mental ills. The authorities at the east unit, when I asked them how many people would fail a sanity inquisition in this institution of 1,150 people if they were run through such an examination, said about 200 would fail. And I agree. I think 200 of them were at least insane.

The CHAIRMAN. 200 were what?

Judge KELLY. At least 200 of 1,150 could not pass a sanity examination.

The CHAIRMAN. What comment do you make about adequacy of the probation and parole system in Florida?

Judge KELLY. As I said previously, the people that I work with, I think, work hard and are conscientious and are doing a very good job. I cannot really speak for the system overall.

You know they have recently revised the parole system. Previously, only the parole commissioner could interview prisoners and provide for their release. And sometimes prisoners would wait there for years without ever being interviewed. They have modified this now, and prisoners are assured an interview within 1 year. And there is a move afoot to give the prisoner a response to the interview, as to whether he is going to be released and when, and, if not, why not. So there are some improvements in this area.

I think that more improvements in this area would tend to give a dimension to what the real problems are about overcrowding, and the need for money and housing and staff and that type of thing.

The CHAIRMAN. Do you find that the parole authorities look upon particular sentences in a special way? For example, in some of the material you have submitted, I understand you to state that you had observed when a man is given a sentence up to 5 years, that too often the parole people would keep him 5 years.

Judge KELLY. Yes, sir. They do not keep them for 5 years, but they treat them as though they had received a straight 5-year sentence. They still get their time off for good behavior, but as far as the prisoner is concerned, there is no difference between an indeterminate sentence of 6 months to 5 years, and a straight 5-year sentence.

But it creates hostility on the part of the prisoner because he goes believing that if he behaves himself and is a model prisoner, in 6 months he is going to get out. And it is just not the fact.

I think the statistics are probably out of about 4,000 instances of indeterminate sentences, that the parole commissioner had actually granted an abbreviated sentence only on 86 occasions.

The CHAIRMAN. Judge, let me just go through the last category of things I want to ask you about. In the first place, has your practice of sentencing people who are convicted in court been altered through your experience in the prison and your relation to the men?

Judge KELLY. Yes. I am more reluctant to send the mentally weak to prison now than I was before.

The CHAIRMAN. For that reason, it would also be desirable for other judges to acquaint themselves with the general ways of the conditions in which they send people?

Judge KELLY. I think so. I think any education has got to help.

The CHAIRMAN. Now, Judge, I would like to ask you about what a judge might properly do with a person convicted of a crime prior to sending that individual into an institution. Have you experimented with preincarceration on any large scale?

Judge KELLY. Yes. I use probation in. I think, a high percentage of cases. And the probationary conditions have been changed from time to time. Currently, and for some years now, I made it a condition that the defendant was not to drink any alcoholic beverage unless it was prescribed by a doctor. Because in so many instances, alcohol contributes to crime.

I have more recently been requiring some defendants to recognize a curfew and authorized the probation officers for reasons in their discretion to permit the probationer to avoid this curfew. For instance, if a young man wants to go out on a date, the probation officer will release him to do that. If he wants to work or go to school or anything legitimate; but the curfew simply means that from 10 o'clock until sunup the next morning, he should stay in his regular place of residence.

The CHAIRMAN. But suppose a man who has to support his family is convicted of a crime in your circuit. If you send him to Raiford, the State does not pay his family anything; does it?

Judge KELLY. Well, they do; but they do not do it because he goes to jail. They do it because the family is destitute.

The CHAIRMAN. And they get welfare?

Judge KELLY. Yes.

The CHAIRMAN. So the State is having to bear the expense of supporting the breadwinner and, at the same time, the family that he leaves behind?

Judge KELLY. Yes. But there is an area here that I think this committee should well take an interest in. We talked earlier about delayed justice is justice denied. And this family area is very significant.

Most of the people that go to jail are poor, and if they are poor, it means that they are without funds. They are young, frequently they have wives and children, and if you put them in jail and you keep them there for 4 or 5 months while you are processing their case, the refrigerator is repossessed, they lose their car, they may lose their wife, and maybe their wife has gone to a small loan company and gotten money. And when you finally turn that man loose on probation, it would be a hopeless situation for a strong person, and it is just completely hopeless for a weak person.

This is why speed in the disposition of cases is important. And it is not just a question of some judge wanting to be a do-gooder, it is the idea that it is just ridiculous to put a man on probation when you have treated him in such a way that he cannot cope with the situation which delayed justice has created.

The CHAIRMAN. In other words, I would infer that you suggest the time to put a man on probation is before that bad situation has deteriorated to the state that it did?

Judge KELLY. You cannot do it as it would be best to do, because we do not know that much about the case early enough to do it.

I am saying if a man could be processed in the court within a week or 10 days, it should be done. If it can be done in 5 days, it should be done. The Florida law provides if a man wants to plead guilty he can ask the court to direct the State's attorney to file an information, and yet this device is never used. There are instances where a man will wait for months just for a PSI. Whereas, the Federal Government in Federal Criminal Procedure Rule 32C provides as soon as a man is put in jail he can request a presentence investigation at that time. Florida should do the same thing. The other States should do the same thing, because this presentence investigation could be going on at the same time everything else is going on, and reduce by months sometimes, the time that a prisoner stays in jail before he is put on probation.

If he goes to the penitentiary it perhaps does not make that much difference. But in cases of probation it does. And all of this goes toward conditioning these people in their appreciation of our Government and what the good people of this country stand for. I think that is important.

The CHAIRMAN. Judge, does the severity of punishment, in your opinion, deter the commission of crime?

Judge KELLY. I do not know. If I have got to say something, I would say yes, but I am just not that positive about it.

The CHAIRMAN. This whole question of what to do with people who have violated the law and committed a serious crime is a very complex one; is it not?

Judge KELLY. There is no question about that.

The CHAIRMAN. And we still have the concept of punishment, to hurt somebody, or somebody has taken someone's life and he should suffer. He should experience some punishment for it. And that is the reason the sentences go up to as high as life or a high number of years and the like.

I suspect the public generally has that concept, that incarceration is to punish people? Don't you think so?

Judge KELLY. We should serve the public and in the present development and in our present society, I do not think that we could serve the public if we determined that we would not punish wrongdoers. I think that there are broad classifications of wrongdoers that virtually all of the public thinks should be punished. I am talking about dope pushers, sex violators, and murderers. That the large mass of people really demand that they be punished. And it would be wrong, it would be a disservice to our society at this time to discontinue that.

The CHAIRMAN. If you did not subject them to some form of punishment?

Judge KELLY. That is correct.

The CHAIRMAN. One other question. Would a more severe type of punishment than we now inflict be a deterrent to the commission of crime by these people when they get out? I mean corporal punishment, or punitive punishment, giving them fewer privileges, subjecting them to more discomfort and inconvenience? Is that the answer to the crime problem? Some people believe treating them more severely and more harshly when they are incarcerated or institutionalized is a way to keep them from committing crime when they go out. Do you think that is true?

Judge KELLY. I think it may well be true that if classification establishes—and this classification would include the details of the crime that was committed—this is an individual that should be punished, I think that it would be a much better system that would put him in a prison that was absolutely fair, absolutely clean, and with no nonsense, telling this man that “you are here to be punished because you have done wrong” rather than putting him in an institution like the main unit of Raiford, that houses every category of prisoner and then give some vague generalization about, well, we are really rehabilitating these people, when this is not true. Because the person that you and I are talking about is probably not capable of rehabilitation or really deserves to be punished and rehabilitation is not what the public wants and it is not in honesty what we intend for him.

The CHAIRMAN. On the other hand, is there a fine line, where you might say punishment tends to diminish or to end and the opportunity for rehabilitation begins for that individual?

Judge KELLY. Yes; this is just a natural law. You could see something transpire in your presence and be angry enough to hit one of the perpetrators with a chair, personally, and yet maybe if you thought about it and saw him the next day, it would be completely foreign to you to strike him with a chair. And a month later it might be that you would be on quite friendly terms again.

This is just a natural human response to the situation you described.

The CHAIRMAN. Judge, I want to read into the record some of the material you furnished us. I understand you recommended to the Congress:

1. Create alternatives to prison sentences.
2. Create programs, loans, or other financial assistance for those released on parole or upon completion of sentence and to assist in creating conditions upon which parole may be granted.
3. Set standards and training guidelines for all prisoner personnel.
4. Educate judges on sentencing responsibility.
5. Develop realistic release programs which allow an inmate to literally and legally work his way out of prison.

And let me interpolate that the next witness will be a man who was incarcerated in Florida but he is being released in the daytime to go to the University of Florida, and then he goes back to the institution at night.

Next, you recommended, and I will continue reading:

6. Undertake federally directed and funded research in areas of:
 - (a) Procedures for all prison related agencies to aid in penal process.
 - (b) The feasibility of presentence classification vs. presentence investigation.
 - (c) Improvising new approaches and programs for reform and operation.
 - (d) Criminal conduct.
7. Provide funds (definitely tied to Federal inspections and standards).

In other words, Federal funds would be for specific purposes and conditioned on criteria being met.

You also say:

What he needs as a judge is a system composed of various treatment modes to which he can send the different types of offenders. For example, a facility for youthful offenders, another for drug addicts, another for vocational training, another for the mentally deficient, and, finally, a maximum security facility for the truly hard-core offenders.

Those are in general your recommendations to the Congress?

Judge KELLY. Yes, sir.

The CHAIRMAN. We had in some of the earlier stages of our inquiry former Secretary of Health, Education, and Welfare, Mr. Finch, as a witness. He said that many of the juvenile correctional institutions are simply training schools for crime. Do you find that may well be true?

Judge KELLY. My source of information on this is what the inmates of the adult prison system have told me and based on what they have told me, the juvenile facilities may even be worse than the adult prisons because you are dealing with a more difficult category of prisoners. Young people by virtue of their youth do not have the stability and discipline that older people do. And what they do to each other is more frightful than what adult prisoners do to each other.

The CHAIRMAN. Judge Kelly, you have already heard from the other members of the committee who were here today. All of us feel you have given a very valuable contribution to our committee and the Congress and the country by coming and giving to us, with candor and conviction out of your very interesting experience, your recommendations as to what can be done through the judicial and correctional process toward the correction or the reduction of crime in our country.

On behalf of the committee, I wish to thank you very much.

Judge KELLY. Thank you.

(Judge Kelly's prepared statement follows:)

PREPARED STATEMENT OF JUDGE RICHARD KELLY, SIXTH JUDICIAL CIRCUIT COURT,
STATE OF FLORIDA

In July 1970, I spent parts of 2 days and 1 night in the medium security unit of the Nevada State Penitentiary at Carson City, Nev.

I was transported by prison bus from Reno to the maximum security unit of the prison on July 8, and actually went through the induction process. Dressed entirely in prison clothes, including underwear, I was transported to the medium security unit. On arrival I was assigned a bed. I walked through the prison gates without a guard or any prison personnel and met a prisoner who was sent to show me my assigned bed.

From the time I entered the gate I mingled with the prisoners and had no escort or contact with guards except routine encounters, which were few until I left the next day.

I slept in a dorm-type room where 10 prisoners slept. Their crimes included murder, robbery, rape, and arson. I had complete freedom of the whole unit, all buildings, the same as the prisoners. I ate in the mess halls at the same tables under the same conditions as any inmate.

On December 20, I started a tour of the Reception and Medical Center at Lake Butler, Fla., the main and east units of the State prison at Raiford and the Sumter Correctional Institution at Bushnell. This included 2 nights and 3 days.

I spent a night and half a day at the reception center, a half day and one night in the Raiford east unit, 1 day in the main unit and 1 day at Sumter.

While in the Raiford east unit, I toured the facility with a supervisor. I had the opportunity to talk with the prisoners privately at my choosing during the tour.

I ate punishment rations ("dog food" or "soup") and tap water for my night meal.

During the evening I talked with prisoners unattended by prison personnel until 11 p.m. I then was locked in a "segregated confinement" cell without a mattress until 1 a.m. and then transported to a regular individual cell with

a standard prison mattress for the rest of the night. I was up and about the unit again at 6 a.m.

At Raiford, main unit, and at Sumter Correctional Institution I was guided or permitted to wander among the population as I wished. During the times when I was guided, it was for the purpose of getting the administrative point of view to facilitate my understanding of the various programs. At no time was there any interference from the administration or the guards in my efforts to see anything or talk to anyone, and much of the time was spent without guide or escort among the population.

In March and April 1971, I visited Apalachee Correctional Institution (ACI), the State hospital in Chattahoochee and the Federal Correctional Institution in Tallahassee.

I spent the day touring ACI in the same guided or unescorted-type investigation, including eating with the prisoners and speaking to several classes that were engaged in academic training.

On the night of March 30, I was the houseguest of the superintendent of the State hospital and had an extended discussion with him regarding the problems of the criminally insane in the hospital and mutual problems of his institution and the Florida Division of Corrections. The following day I toured the facilities of the State hospital which included going into the dormitory-type cells in the maximum security unit for the criminally insane. There were two such cells and I had arms-length discussions with inmates of both.

On the 1st day of April, I spent 13 hours in the Federal Correctional Institution. Initially I was briefed on the institution by the warden for about an hour. The remainder of my time at the institution, I spent with the prison population escorted by an inmate guide during the times that he could be of help. I ate my meals with the population, selecting the prisoners that I ate with and talked to at random and visited all of the facilities. This tour included sitting in on an inmate-organized "rap session" on drug abuse, at which there was no administration personnel in attendance.

The classic first approach to prison reform is to build prisons, to hire more people, and to pay higher salaries. These things are required in part, but they are not the prime solutions.

Prisons are an integral part of the law enforcement complex and many prison problems can be most easily solved by action taken by other agencies. The initial need is for a comprehensive look at and definition of the system which affects Florida's prisons and from this examination to arrive at guidelines upon which prison reform can be predicated.

Prisons exist to serve society. They must conform to the law, basic decency and morality. They must operate at the least possible cost—for the value received. Reality imposes recognition that in the priority of things, funds are not going to be available to treat and rehabilitate all prisoners. On these and other pertinent considerations a basic philosophy for prison operation must evolve.

Florida's prisons are expensive. The current budget is more than \$20 million. Actual monetary cost defies determination. They are grossly expensive in the degree they contribute to the generation of crime, racial tension, class hatred and disrespect for authority and the government.

Current ills of the division of corrections include :

1. A desperate need for more alternatives to prison.
2. No operating philosophy.
3. No consistent program for prison reform. The situation is largely left to response to crisis.
4. No definition of institutional purposes and goals.
5. A gross lack of mutual understanding and communication between the prisons, the courts, the parole commission, the State's law enforcement agencies, the public defenders and the State mental hospital.
6. Most inmates being housed in remote places without immediate access to mass population and the attendant benefits.
7. Institutions not sufficiently specialized in purpose.
8. Lawlessness abounding within the institutions.
9. Inadequate medical care, especially psychiatric treatment.
10. Inadequate classification.
11. A parole authority which is too rigid.

Under the present operation, there is great need for many more guards and other staff members and many more prisons. There is need for improvement in the quality of the latter and increased training and salaries for the former. These are

not listed as present ills as the dimension of these problems could be grossly affected by reform in the area of items 5 and 6 above.

Areas in which the Federal Government could most effectively aid Florida's prisons would be to:

1. Create alternatives to prison sentences.
2. Create programs, loans or other financial assistance for those released on parole or upon completion of sentences and to assist in creating conditions upon which parole may be granted.
3. Set standards and training guidelines for all prison personnel.
4. Educate judges on sentencing responsibility.
5. Develop realistic release programs which allow an inmate to literally and legally work his way out of prison.
6. Create an agency to act as a clearinghouse for State penal institutions on subjects such as:
 - (a) Prison design;
 - (b) Prison equipment; and
 - (c) Guard and inmate control.
7. Undertake federally directed and funded research in areas of:
 - (a) Procedures for all prison related agencies to aid in penal process;
 - (b) The feasibility of presentence classification versus presentence investigation;
 - (c) Improving new approaches and programs for reform and operation;
 - (d) Criminal conduct.

Provide funds (definitely tied to Federal inspections and standards).

Florida's prison system (the division of corrections) is in serious trouble.

The problems are varied and difficult, and include:

1. Grossly inadequate care of the mentally ill. Those with deep-seated mental trouble are mingled in the general prison population to their own detriment and the rest of the prisoners.
2. The failure of those on the executive and legislative level to provide the leadership necessary to give direction to the whole process.
3. Serious racial tension which is demonstrated by de facto segregation the prisoners impose on themselves.
4. Meaningful rehabilitation is not attainable in the atmosphere which exists due to:

- (a) Understaffing;
- (b) Overcrowding;
- (c) Lack of sufficient programs aimed at improving the attitude of prisoners;
- (d) A belief among the prisoners that corruption exists among the guards in the form of pilfering and smuggling; and
- (e) The parole commission functions in a way which is insensitive and arbitrary (a view shared by prison authorities as well as the inmates).

To enter a prison to see it is one thing; to go there to appreciate and understand it is something else.

What it represents and its sadness are overwhelming. It seems that the raw ends of all human futility are exposed in this place.

Thousands of men are jammed together with fear and hopelessness—fear of each other, of themselves, and the future.

Raiford's east unit is the maximum security prison where 1,150 of the most troubled prisoners are housed. From looking at the faces and listening to the sounds, it seemed that it would be more natural for everyone to sit down and cry in despair. Instead, there was laughter that was out of tune, bravado and hostility. Most surprising there was hope, instinctive and unsure.

These are the prisoners who wait on death row and the end of long sentences in solitary cells. These are the worst—the ones society feared most and the rest of the prison system had rejected as incorrigible and treacherous.

The presence of death row permeated the whole place. I talked at length with two inmates whose death sentences had been commuted to life. We talked of their waiting and the prison. Many on death row have been there for years, one more than 10 years.

The really shocking situation was the number of inmates with deep-seated mental problems trying to survive in a situation which would be tough for the strong.

I saw a boy, small in stature, standing in a cage dressed in white coveralls. The front of his clothes and hands were covered with blood and he stood crying

like a baby. He had just mutilated his sex organ. I tried to talk to him. He didn't know I was in the same world.

I talked to another prisoner who had just recently slashed himself and severed his Achilles tendon. He was in special confinement awaiting his release. His term was up and he was on his way to be free to go among the public.

I talked with another inmate who believed he was "the Christ" and was in league with "Nixon." He was confused when I told him I was a judge. I felt sick to my stomach to think he was in these surroundings in the name of decent people.

I talked to a boy in his teens who wanted permission to call his wife who was divorcing him. He was in the hospital. He had mutilated himself.

It is rare to talk to any prisoner who doesn't admit to a mental or emotional problem. They don't see how they could do the things they did if they didn't have a problem.

The facilities for treating the mentally ill are, for practical purposes, nonexistent. The system must depend upon the State mental hospital. The State hospital has more problems than it can handle and too little money and staff to be willing to take on the problems of the prison. Whatever the reason, the deplorable conditions exist.

The main hospital for the whole prison system is at Raiford. This hospital is poorly maintained; proper sanitation is wanting. There were empty rooms, and, at the same time, there were beds in the halls. Prisoners were manning sensitive positions such as general hospital supply.

The quality of food in the reception and medical center, the east unit and main unit at Raiford was good for prison fare but not well prepared. The breads baked in the prison were good. The "clean" dishes at the main unit were extremely greasy. The food was the same at Sumter Correctional Institute but much better prepared and more palatable.

There is a system of prison canteens where prisoners can buy a wide variety of wares including ice cream and even filets and chops in some cases. A huge percentage of the prisoners are without the funds to share in this. This whole canteen affair could stand an examination for a lot of reasons.

On the morning shift of December 22, there were 26 guards for the east unit. Four went to the towers and 22 went "inside" to guard, watch, and supervise 1,150 inmates.

This understaffing leads to a multitude of ills including homosexuality in all its forms including perverted prostitution and rape, the latter usually blacks attacking whites.

When the staff is engaged beyond its capacity in this fashion there just isn't time for sufficient staff training and supervision. This results in the prisoner's complaint that the prison rules change with every guard, which deteriorates morale and creates hostility.

The overcrowding of the inmates at the main unit and the receiving center is severe and sure to get worse. At the center, cells designed for one man house three, and the institution is only 2 years old.

The guards are fed at the prison for which they are to pay 35 cents per meal. The food is supposed to be the same as that eaten by the prisoners, but fed in staff mess halls. The prisoners doubt it, and one said he has seen the guards avoid paying. I saw rolls nearly burned in the prisoner mess and golden brown in the staff mess. This is a bad practice. There should be a privately owned restaurant unconnected with the prison for the guards or the guards should bring their lunches. This is the practice in the Nevada penal system, and it works better.

There is widespread belief among the prisoners that the guards pilfer everything that is loose, including bicycles being refurbished by prisoners for poor children.

This is all a problem even if untrue. I am convinced the prisoners believe that this corruption exists, plus believing that one can buy "anything" while in prison if he has the money and believe that guards participate in this smuggling.

It is a certainty, however, that the vast majority of the guards do an outstanding job under the circumstances or the whole thing wouldn't hold together, but this doesn't alter the situation.

If our prisons were austere, hard, clean, fair, and free of corruption we could house the inmates decently and do it within the present budget. The prisoners would respect us and we could respect each other. This would constitute honest punishment without excuse. In this atmosphere much rehabilitation would take place.

As it is, the whole system has lost its credibility. The inmates see through the fraud of the talked-about rehabilitation and vocational training, recognizing one can't take place in such an atmosphere and the other is just talk. They have contempt for a society that sends its children and insane to live with felons in a situation none in the free world would believe.

Because we, as a people, or the responsible leaders on the executive and legislative level lack the courage to make a decision, we vacillate between the punishment and the rehabilitative theories and lose what we could obtain by trying to accomplish the frills without making the necessary commitments. Until there is an enlightened decision to really help the prisoners and supply the people and money to get the job done, the emphasis should be on cleanliness, decency, and integrity. Vocational training and education and the like must be considered secondary. These programs aren't going to have the full measure of help if the inmate considers society itself unjust and corrupt.

The prisons are an important part of the law enforcement cycle. If the attitude of the felon sent there isn't changed toward respecting the law and the principles of honesty, we haven't seen the peak of the rise in crime.

The light of hope is the administrative personnel in the system. Without exception these men are capable and enthusiastic. They believe in what can be done. They consider the prisoners as human beings and believe them salvageable. If these people had the funds and support, Florida's prisons would serve us well.

The CHAIRMAN. We will take a recess until 1:30.

(Whereupon, at 12:35 the committee recessed to reconvene at 1:30 p.m. the same day.)

AFTERNOON SESSION

The CHAIRMAN. Is Mr. Arthur Adams, Jr., in the room? Would you please come up, Mr. Adams. Also, Mr. Loyd, is he here? Will he please come up with Mr. Adams.

Mr. Arthur Adams, Jr., is an inmate in the Florida Division of Corrections, serving a life sentence. He was convicted of murder in the first degree. Mr. Adams is an inmate at Sante Fe Correctional Farm in Gainesville, Fla. He currently is enrolled in a study-release program whereby he attends the University of Florida full time. He is studying sociology and education in the College of Education at the University of Florida.

A former resident of Miami, Mr. Adams attended junior college at Florida State Prison through a program of Lake City Community College.

Mr. Adams is one of seven inmates on study release at Santa Fe Correctional Farm. A minimum security facility, the Sante Fe Correctional Farm has many inmates on work release. There currently are 66 inmates in the facility, and the farm has a maximum capacity of 70 inmates.

Mr. Tom Loyd, age 41, has spent 20 years of his life in prison, convicted of crimes ranging from armed robbery to car theft to safe cracking. Today he is an employee of the Tampa Concentrated Employment Program and helping other ex-convicts break the cycle of no jobs, which results in crime and subsequent conviction and imprisonment again.

Mr. Loyd was serving time in Raiford in 1966 when he met a teacher who encouraged him to continue his education. In 3 years he received an associate of arts degree from Lake City Junior College. Now on parole, Mr. Loyd is taking courses at the University of South Florida toward a bachelor's degree in sociology, with a concentration in criminology. He learned a trade in prison and upon release went to work as a printer's assistant in Palatka, Fla., for \$1.50 an hour.

In the Tampa Concentrated Employment Program, he has helped place ex-convicts in new jobs or on training programs. TCEP is a federally funded, 3-year program that takes people from identifiable depressed areas, pays them \$50 weekly during training periods to upgrade their skills, and then finds jobs for them.

Mr. Loyd also visits penal institutions to talk with men about to be paroled. His goal is to set up a halfway house for inmates coming out of prison. He thinks that once the facility is established, it would become self-perpetuating through contributions from ex-convicts who have used the service and have gone on to more productive professions.

We are glad to have you two gentlemen here today.

Mr. Adams, would you like to make a statement to us about your experience and any recommendations that you would care to make to this committee as to how crime can be reduced.

STATEMENTS OF ARTHUR ADAMS, JR., INMATE, SANTA FE CORRECTIONAL FARM, GAINESVILLE, FLA.: AND TOM LOYD, TAMPA (FLA.) CONCENTRATED EMPLOYMENT PROGRAM

Mr. ADAMS. Yes. First of all, Mr. Chairman and other members of the committee, in the introduction I was first called—and this is true—a convicted murderer in the first degree. That is true. And in another breath you said I am enrolled in a study program, whereby I attend the University of Florida as a full-time student. That is true.

That would seem to indicate that Florida, looking at me, is a system that has no ills, and that is not true.

For myself, I think that I can only be looked upon as not the average inmate, but one of the exceptions. I suppose that I am an indication of what a good program and what good personnel can accomplish and that is all.

In talking to you about problems that exist in Raiford, I think that, first of all, I would have to talk to you in terms of problems that exist for the black individual in Raiford or in any prison. And, second, I would have to talk to you in terms of problems that exist for all men as a whole, in a penal institution.

The CHAIRMAN. Go right ahead. We would be glad to hear you.

Mr. ADAMS. All right.

For the black man in prison: No. 1, in the Florida penal institution there are no black officials, no high-ranking officials. The highest ranking official I am aware of is a sergeant.

For the black person there, there is no source of identification, there is nobody to identify with. We are never going to feel that any real rehabilitation program is going to be worthwhile until we can see some people we can identify with—which means some black people.

Being located where it is, I am sure that it cannot be said that there are no black persons to be employed, because I am sure that there are.

The CHAIRMAN. Can you think of anything further?

Mr. ADAMS. Yes.

The CHAIRMAN. You were never at Raiford; were you?

Mr. ADAMS. Yes; I was at Raiford for 6 years.

The CHAIRMAN. How were you treated there?

Mr. ADAMS. There is one question I would like to ask, Mr. Chairman. No. 1, I am still in prison, and I am sure that some of the things I may

say here today may have an effect on how much longer I am going to be in prison. So I would like to know if anybody here can guarantee me that what I say here is not going to cause anybody to try to take any reprisals when I get back to the system, because I am going back?

The CHAIRMAN. Well, do you think the system at Raiford is the kind of system which encourages people when they get out not to commit crimes again?

Mr. ADAMS. That depends on who you happen to be around when you are in Raiford. It is not a system that totally tries to discourage recidivism.

The CHAIRMAN. What encouraged you while you were in Raiford for 6 years to want to get out and have an opportunity to get an education and presumably to want to live an honorable, responsible life as a citizen?

Mr. ADAMS. As I said, I do not think I can be looked at as the average inmate, because I am sure I am not. And I think even if I had not been at Raiford, eventually, I would have found my direction anyway. I didn't really need prison; prison was just a place where I found my direction probably quicker. But as far as facilities and people encouraging me, there weren't that many. The institution is not set up that way. It is not set up for that purpose.

The CHAIRMAN. What should it have that it doesn't have?

Mr. ADAMS. Mainly, it should have—and I think first and foremost as far as blacks are concerned—some black officials. We are never going to be feeling we are being treated fairly until there are black officials. From the time I was arrested until the time I was incarcerated, until the time I am released, I am going to be held and released and all of it is going to be determined by white officials.

The CHAIRMAN. Did you say a black prison is important for black people alone?

Mr. ADAMS. No; I am not saying we should have one prison simply and solely for blacks. I am saying we should have black officials in the prisons, high-ranking officials.

The CHAIRMAN. Are there any black guards at Raiford?

Mr. ADAMS. About three that I am aware of, with no rank at all.

The CHAIRMAN. What percentage of the population at Raiford is black?

Mr. ADAMS. We comprise about 60 percent of the population, I am sure.

The CHAIRMAN. And only three guards are black?

Mr. ADAMS. About three. That is the number that I am aware of.

The CHAIRMAN. Do you know why that is?

Mr. ADAMS. No; I don't.

The CHAIRMAN. You were transferred from Raiford to Santa Fe?

Mr. ADAMS. That is correct.

The CHAIRMAN. Was that because you had a good record at Raiford and you indicated that you wanted to get an education?

Mr. ADAMS. That is correct.

The CHAIRMAN. So despite the fact you had a life sentence, the authorities moved you over into a minimum security institution and allowed you to go to the University of Florida, where you are in attendance during the day and you come back to the Santa Fe institution at night, as I understand it?

Mr. ADAMS. That is correct.

The CHAIRMAN. So you are given your liberty in the daytime to go back to a minimum security institution at night?

Mr. ADAMS. I do.

The CHAIRMAN. A considerable amount of trust has been reposed in you by the system.

Mr. ADAMS. That is true. That is by some people in the system. In fact, I am aware that there are a lot of people resent my going to school.

The CHAIRMAN. Are there many others who are as fortunate as you in the system?

Mr. ADAMS. No; there is not. And as I said, I don't think I can be looked upon as being the average inmate. I had incentive, I didn't really need motivation. I just needed direction and I found that direction.

The CHAIRMAN. Do you think most of the people in the system have the ambition that you seem to have exhibited and the desire to improve yourself as you seem to have shown?

Mr. ADAMS. Positively no.

The CHAIRMAN. Well, is there recognition of the exceptional man then?

Mr. Loyd will tell us about his experience, but is there recognition of the number that do manifest the desire to better themselves and to become serviceable citizens when they get out; is there recognition of those who manifest those qualities?

Mr. ADAMS. There is a recognition of a few of those individuals, and they are recognized only if they can get around the right individuals who can recognize them and who will try to get them away from Raiford and into another institution where they might be able to further whatever they started.

The CHAIRMAN. Is there a junior college near Raiford? What is the nearest junior college; Lake City?

Mr. ADAMS. Lake City.

The CHAIRMAN. Are any inmates of Raiford going to the junior college at Lake City?

Mr. ADAMS. No; the program is set up where the junior college goes to the prison itself. So I suppose the prison might be a branch of the junior college.

The CHAIRMAN. It goes to the institution?

Mr. ADAMS. Yes, sir.

The CHAIRMAN. But there is no arrangement by which a certain number of men might be released in the daytime and could be permitted to go over to the Lake City Junior College the way you are going from Santa Fe to the university?

Mr. ADAMS. Not yet.

The CHAIRMAN. And come back at night?

Mr. ADAMS. Not yet; no.

The CHAIRMAN. I notice that the Santa Fe minimum security facility is about filled. There are 60-odd, and it has a capacity for only 70, so there is not much room for many more?

Mr. ADAMS. That is true.

The CHAIRMAN. Do you think now that when you go back into society that you will—I presume you will some time or another go out on parole—commit a crime again?

MR. ADAMS. I can answer that positively no. I am sure I won't.

THE CHAIRMAN. I have heard that, generally speaking, the inmates of institutions who are convicted of murder on the whole are more well behaved, better behaved, than many committed for other crimes. Is that true?

MR. ADAMS. From my own experience, I would think that it is.

THE CHAIRMAN. Had you ever been in trouble before you committed this homicide?

MR. ADAMS. Not a felony; no.

THE CHAIRMAN. Had you had trouble as a youth?

MR. ADAMS. As a juvenile; yes, sir.

THE CHAIRMAN. Now, do you have any recommendations to make to the committee as to what will make our correctional institutions more effective in preventing those who get out of them from committing crimes?

MR. ADAMS. The process has to start first, Mr. Chairman, in prison itself. As I said, prison—Raiford, for example—is a very bad place, it is a very impersonal place. So, if you have a personal problem, being as large as it is, Raiford is a place where you can not get personal attention, no matter what the problem is. If the institutions were as small as Santa Fe, where I presently am, any person who has a problem can get his problem solved if he has one that is important.

I think this is one way you are going to cut down on prison riots, for one.

No. 2, and as I said most important for all blacks, you are going to have to have some black high-ranking officials, sergeants, lieutenants, people to work as lieutenants, some people who have some authority. Because as it stands now, the black inmate has nobody to relate to, and for us this is very important because now, more than ever before, my people, as a people, are beginning to recognize themselves as a people. This is probably more prevalent in prison than it is on the outside.

THE CHAIRMAN. Well, now, let me move over to Mr. Loyd for the moment.

MR. LOYD. You are 41 years of age and have spent 20 years of your life in prison, convicted of crimes ranging from armed robbery to car theft and safecracking. How did you ever get into a career like that?

STATEMENT OF TOM LOYD

MR. LOYD. Well, the first offense, which was car theft, was when I was 17, and I was sent to prison.

THE CHAIRMAN. At 17?

MR. LOYD. Yes. You know, there has been a lot of testimony about what you learn in prison. The main thing I learned was how to function within the prison. So that became my world, that became my community, that is where all of my friends were, that is where I knew how to shoot the angles, how to get things done. So each time I got out I was lost out in the free world, and I didn't mind at all going back to prison.

I think this is what makes recidivism—that you don't really mind going back to prison. Because this is the only place you know how to

operate. The prisons do not teach you how to get along outside, how to meet people, how to just do everyday functions.

This time that I have been out in this past year I had to go get a driver's license. I never had one in my life. I didn't know how to go about it. Somebody had to take me and show me how to go through the process of getting a driver's license.

These are things that most people take for granted. But they are big things. And everybody has a fear of being in places where they don't know how to get along, where they don't know what is expected of them. But in prison I knew what was expected of me so I felt very comfortable there until the junior college program came into Raiford, and then I learned something about the outside world.

I graduated from the junior college program; I learned a trade. The last 4 years of my life in prison were really productive, but only because I got involved in the educational program. And as Arthur says, I met some people in the prison system who were willing to help me and work with me and give me some guidance, and they turned me to this.

The CHAIRMAN. Who was the teacher? I understand it was a teacher who inspired you to want to get an education. Who was the teacher?

Mr. LOYD. He is from the junior college at Lake City. He is now teaching in Tampa Junior College. His name is Don Gilbert. He did not actively try to reach me. He just taught the class. But for the first time in my life, I met a man that I could respect, that was not a thief. For the first time in my life I met a square guy that I felt I might want to know on the outside. I wouldn't mind knowing him.

And this turned out to be true. When I was released, almost 4 years later, after meeting him, he immediately took me down and paid my tuition for that first semester at the university.

The CHAIRMAN. The teacher did?

Mr. LOYD. Yes, sir; to get me started right back in the educational process. He didn't want me to lose the momentum.

The CHAIRMAN. Give us his name and it will be recorded in the hearings of this committee, as a credit to what he has done for you. What is his name?

Mr. LOYD. His name is Donald Gilbert, and he is a sociology teacher with the Hillsboro Community College.

The CHAIRMAN. Well, he is one of many teachers who have inspired young men and women to want to be something in the world, make something of themselves.

Tell me, I ran into a system down in Memphis, Tenn., where there is a correctional institution where they have a motivation program in progress, and one business or professional man from that community is assigned to each inmate in this program. There were 1,100 in the program.

When I went down there, they had the commencement exercise for the class that graduated under this program. Once a week that individual inmate meets with this citizen who works with him and talks to him and tries to encourage him and help him in any way he can.

Is there anything like that in progress in Raiford?

Mr. LOYD. No; not at Raiford. Remember, Raiford is a huge institution that has a lot of security problems. They cannot do things or institute programs like the small institutions can.

In some of the smaller institutions, the Jaycees have set up charters. Last week I went to the installation of officers at Sumter Correctional Institute for the Jaycees. There were over 400 people present there to attend the ceremonies. The Jaycees from the whole area were there.

I am a great believer in public empathy, involvement with inmates like myself, I did not accept the public as equals. I did not want to become a part of society, and yet I sat around and talked about how society wouldn't accept me. But I wouldn't accept society.

Since I have been out, I have been involved very actively with civic groups, colleges, and high schools to help me find jobs for these people coming out of prison. I have been received very well by the general public and they all say, "What can we do to help?" And I tell them, "Get involved."

The CHAIRMAN. Well, probably, the general public needs guidance in how it can help more effectively.

Mr. LOYD. I have a film I brought. I was hoping you would have time to show it. It was made in Raiford Prison last year by inmates and I was one of the inmates and John Ricardo, who is here, was one. We helped make it. It shows our feelings while we were in prison and why we had these feelings. I show this film four or five times a week at night to civic clubs. For the first time in their lives, they are really becoming aware of a prison. Most of them never knew that they existed.

But this is an area that has to be opened up, that they have to be made aware of. You have to open their conscience a little bit and I get jobs this way.

The CHAIRMAN. What recommendation would you make as to how our correctional system may be improved so that it will have some effective influence in reducing the crime committed by people who get out of those institutions?

Mr. LOYD. I have several. I will say what I think the institution can do and then what I think you can help do.

I believe in the small institutions, no more than 500 or 600 men. No 1. Because this way you can get the individual attention that they need.

There has to be motivation by counselors, to motivate these men into learning a trade, into wanting to learn a trade, and become a part of society. You can take a man and teach him, put him in school and teach him welding, printing, whatever you want to, but you can't make him want to follow that career once he is released.

This is where the counseling comes in. I believe in counseling along with vocational training and I sincerely believe that 80 percent of the prison population could be on work release within a very short time. They don't belong in an institution. All they need is some counseling, some guidance, some direction.

The CHAIRMAN. You mean people temporarily released from the prison to adjacent work?

Mr. LOYD. Yes; I really believe this.

The CHAIRMAN. You do not think the number of escapees would be serious?

Mr. LOYD. No; not with proper counseling, preparation. You would have to prepare them first.

You know, our program with TCEP, this is Tampa Concentrated Employment Program, part of the Labor Department, and these are

all over the country. This is a nationwide organization. And, yet, ours in Tampa is the only one which I know is actively recruiting the men out of the prisons and encouraging them to come to us and let us put them in training, on-the-job training, or on the job.

Our statistics for just the Tampa Bay area, since March, I had 83 parolees that were paroled to me, and I am a parolee. 83 men. I only have five men back in jail out of those 83. I have 73 percent of them still on the jobs that I put them on, that I selected for them.

The CHAIRMAN. Well, now, is it too far to bus people from Raiford over to the Jacksonville area for taking part in some job program?

Mr. LOYD. I wouldn't advise that, not under the existing circumstances at Raiford. You would have to divide Raiford up into sections because the man who was in the prison that doesn't want to do anything, he doesn't want to help himself or anybody else, isn't going to be good for the man who is trying to better himself.

The CHAIRMAN. That is one of the problems about an institution out in a relative rural area; is it not?

Mr. LOYD. Yes, sir; the employment. In Tampa, we are having very good luck because, as I said, I go and speak to groups, show the movie, and ask for jobs, and we have been getting a good response. These are not just plain labor jobs. We will not take just labor. We expect to have a job that there is a future to, that the man will want to stay on. If he has no skill, then we try to get him into a vocational school and we pay him a stipend, about \$50 a week while he is learning a skill.

The CHAIRMAN. Are people released from correctional institutions eligible for that program?

Mr. LOYD. Yes, sir.

The CHAIRMAN. Before they get paroled?

Mr. LOYD. Yes, sir. Well, no—

The CHAIRMAN. I mean before they get their sole relief?

Mr. LOYD. While they are on parole, yes; they are eligible.

The CHAIRMAN. While they are on parole?

Mr. LOYD. Yes. But I would like to encourage this committee to do an investigation of our setup in Tampa and see what we are doing, how we do it, and encourage this to be done throughout the country.

The CHAIRMAN. You are a part of what is called the Tampa Concentrated Employment Program?

Mr. LOYD. Yes, sir.

The CHAIRMAN. That is a centrally funded program?

Mr. LOYD. Yes, sir.

The CHAIRMAN. And you are providing jobs, helping inmates to get a job?

Mr. LOYD. Yes, sir.

The CHAIRMAN. Are there opportunities like that afforded generally to inmates when they get out of prisons?

Mr. LOYD. No, sir. Let me explain how this came about.

Our program is funded for the ghetto areas of Tampa, for the very low income areas of Tampa. And the ex-con program was brought in because an ex-con was hired to work in the agency and he talked the director and the county commissioners into allowing him to bring in these ex-cons and work with them. This was 2 years ago.

Last year he handled almost 500 ex-inmates. They got too heavy a load and they brought me in and I was hired to work in the same capacity. So there are two of us working in this agency. The whole agency works on the peer-group principle. The people we have working with the blacks from the ghetto areas came out of that same black ghetto areas. The Latins we have working came out of the same Latin quarter. And myself, for all ex-convicts. We work with the ex-convicts. It is strictly a peer-group principle and it is working.

The CHAIRMAN. Have you had many people who violated their parole or committed other crimes and were sent back to prison?

Mr. LOYD. Five men.

The CHAIRMAN. Five out of 83. That is a pretty good record; isn't it?

Mr. LOYD. Yes, sir.

The CHAIRMAN. I want to commend you gentlemen on the reformation of your lives; commend you on trying to help others by your good example, by your teaching and efforts. I wish you success.

Mr. Mann?

Mr. MANN. Mr. Adams, when did you go to prison?

Mr. ADAMS. In 1965.

Mr. MANN. Now, you first received a death sentence?

Mr. ADAMS. Yes. I first received a death sentence.

Mr. MANN. And then after being on death row for 2 years, you joined the prison population at Raiford?

Mr. ADAMS. That is correct.

Mr. MANN. When and how did you commence your educational program that led, first, to your high school equivalency?

Mr. ADAMS. Well, I started getting interested in education on death row because I never really expected to die there. And when I came to the prison population, I just continued on through high school, on through the junior college program.

Mr. MANN. Well, was this program thrust at you, offered to you, or did you have to ask for it?

Mr. ADAMS. No; it was just offered me.

Mr. MANN. All right. The training for that was conducted right in the prison?

Mr. ADAMS. Right in the prison.

Mr. MANN. Classes of one sort or another?

Mr. ADAMS. Let me tell you this: At one time the education department at Raiford was composed strictly of inmates. Inmates were the teachers. At that time I was an inmate instructor and so was Mr. Loyd. And as a result of working with others and getting the enjoyment from working with others, I decided myself this was what I wanted to do. That was my motivation.

Mr. MANN. All right. Upon passing the high school equivalency test, getting your State certificate, or whatever you got, were you encouraged then by an official of the prison to participate in the junior college program?

Mr. ADAMS. Yes. In fact, there was one teacher—at one time I really started to give it all up because I thought nothing could come of it. He encouraged me to stay in it and I spend a lot of time with him now. He spends a lot of money, he just dispenses with a lot of time. He is still encouraging me now and he comes to see me when he can.

which is very regular, so I have encouragement from one individual.

Mr. MANN. Now, would you say that every prisoner who comes to Raiford is offered an opportunity to improve his education?

Mr. ADAMS. He is offered an opportunity to improve his education but the one thing that I think we have to realize is that where education might be good for me, it is not good for everybody. Everybody is not going to like education. Instead of education, they are going to want a vocational training.

Mr. MANN. Was vocational training available for those who wanted it?

Mr. ADAMS. To some. Let me say this. Again, I say Raiford is a very white institution. There were a lot of things blacks can't do and whites can do. So as a black, no. There were a lot of things that weren't offered. For the whites, yes.

Mr. MANN. Now, Mr. Loyd, you mentioned that this Don Gilbert turned you around, in fact. But how did you happen to be in his class in the first place?

Mr. LOYD. Out of boredom. Just for something to do in the evenings.

Mr. MANN. So you were just exposed to a little education and whatever ingredients were in that classroom you took to them?

Mr. LOYD. Yes.

Mr. MANN. Had you been offered in previous confinements as well as the one in Raiford, the opportunity for education prior to this time?

Mr. LOYD. No, sir.

Mr. MANN. Your first incarceration was when you were 17. Where was that?

Mr. LOYD. That was in Texas.

Mr. MANN. What type of prison did you go to?

Mr. LOYD. A farm, picking cotton.

Mr. MANN. And that was a 24-hour job, being on the farm?

Mr. LOYD. Yes. There weren't any school facilities.

Mr. MANN. How long did you serve there?

Mr. LOYD. Well, my first sentence was a 2-year sentence. And I think I stayed out 13 days and came back with 5 years.

Mr. MANN. Where did you come back to?

Mr. LOYD. The same place. I went to a different farm because I was a two-time loser.

Mr. MANN. Still no educational facilities?

Mr. LOYD. No, sir.

Mr. MANN. The training you were getting was on-the-job training?

Mr. LOYD. Picking cotton, right.

Mr. MANN. I believe that is all.

The CHAIRMAN. Mr. Winn?

Mr. WINN. Thank you, Mr. Chairman.

Mr. Loyd, if we had the money—and we have heard almost 3 days of testimony, directly or indirectly, that there aren't enough funds available to supply the prisons and the correctional institutions with the educational and job training type programs that we need—but if we did have the money, what other types of programs do you think should be put into the prison system?

Mr. LOYD. You mean besides vocational training?

Mr. WINN. Besides vocational training, because you made the statement you were in a position where you are placing men and some of those types of jobs where you are placing these men, I don't suppose they had that training in prisons?

Mr. LOYD. Most of them we had to train first.

Mr. WINN. Could you give the committee some suggestions on what type of training you are giving them, what types of jobs and how that would relate to what we can do in the prison, if we had the money?

Mr. LOYD. Well, I can only talk about the Florida atmosphere.

Mr. WINN. That is fine.

Mr. LOYD. I could put all of the air conditioning, refrigeration men to work I could get. I could put all of the plumbers that I could get to work. Carpenters, the trade skills, I can find jobs for as many of them as I can get. These are mechanics.

Mr. WINN. Construction trades?

Mr. LOYD. Yes, sir; diesel mechanics, we can put them to work as fast as we can get them. Auto mechanics, auto body and fender men, this type of job. We can't get enough men to do it.

Mr. WINN. Now, in the automotive part, we have a lot of young men in these prisons and, according to the testimony the last several days, we are getting more and more young men in, and most young men are interested in cars, know quite a bit about them from personal experiences, and would probably like to know more.

To your knowledge, do we have any kind of training programs or educational classes on automotive mechanics?

Mr. LOYD. I think some of the minimum security places have a small class. I know they started one at Raiford, but you had to have trustee status to be able to go outside the gate to take the course.

Mr. WINN. Because they are driving?

Mr. LOYD. Yes.

Mr. WINN. I am talking about assembling and dismantling of automobiles. We have got piles and heaps around this country.

Mr. LOYD. They could bring the car bodies inside and do body and fender work, but I don't know of anybody that is doing this and yet this is a good field.

Mr. WINN. Do you think it is because of the possible security risk involved, but they could take some of those parts and make knives and things?

Mr. LOYD. Well, they make knives out of the materials they make automobile tags out of. That doesn't keep them from making tags.

Mr. WINN. If they are going to make them, they are going to make them out of whatever is around them.

Mr. LOYD. Right.

Mr. WINN. Any other suggestions on types of courses and classes where you really feel most of these men, whether they have only a high school education or whether they are high school dropouts, might get a head start in certain fields?

Mr. LOYD. Any kind of program, I don't care whether it is just a coffee session for conversation or what, but exposure to people with a different set of values. Remember, they are sitting in cells, reinforcing each other's bad values. They have no opportunity to see any other values. They don't want to be like the guards, that's for sure. They will not accept—it is just like you can hire a guard as a training in-

structor, say for welding and he will say, "Well, I am going to have a class, how many men want to come?" You won't get very many.

For some reason, this is prisoner psychology—for some reason they will not accept help from the guard. Now, if you have the guy down at the corner gas station that comes in 2 nights a week, even though he is being paid for it and offers a welding course, he will be completely overwhelmed.

Mr. WINN. Or if you had an ex-inmate you would get a higher percentage?

Mr. LOYD. That's right. You would have a lot more.

That is why I go back to the prison specifically and I try to say, well, they don't get a chance to see very many successes. All they see are the failures coming back to prison. So when I go back and I circulate and talk to them and tell them what I am doing now and for the first time in their life maybe they are meeting somebody that made it. And the ones that know me, say, "Man, if you can make it, any body can make it." And it takes away the psychology you can't make it because you have the ex-con tag.

Mr. WINN. I am interested to know why don't they trust the guards and correctional officers? That is just a job for those fellows. You don't always hate the other person's lawyer in a court case because that is his job.

Mr. LOYD. I don't.

Mr. WINN. Is it just sort of a built-in antifeeling?

Mr. LOYD. That is exactly what it is.

Mr. WINN. Because really, some of those guards are darn good guys. They are just trying to make a living like the men you are placing in jobs.

Mr. LOYD. Right. But it is just a built-in thing that most inmates have.

Mr. WINN. Mr. Adams, do you agree with that, that most of the fellows, the inmates, wouldn't trust the guards? They would rather have someone from the outside on training?

Mr. ADAMS. I agree with the fact they would rather have someone from the outside bringing in training procedures; yes. But I don't agree with what he said about it being a built-in hate of guards. I don't think that is true at all, especially for blacks.

Mr. WINN. You do not think this is true?

Mr. ADAMS. No; I don't think so. I think that they start hating a guard after he gets there and they start seeing him as having the same attitude that exists there and that is the attitude that you are less than a human being. That is when they start getting hates.

Mr. WINN. Some of the guards treat the inmates like human beings, and they go out of their way, I suppose, because they are part of the system, to try to be nice to the guys and try to be decent, and I suppose those are the most popular guards in the institutions?

Mr. ADAMS. If it happens to be a custodial officer, more than likely he won't be around too long.

Mr. WINN. Because he is being nice?

Mr. ADAMS. Because he is being nice. I mean, frankly, when a guard comes to Raiford—the one I happened to talk about, too—he, himself, is socialized. He becomes very institutionalized. I mean guards have certain ways they act and inmates have certain ways they act.

Mr. MANN. I was going to say, the inmates are institutionalized as such and if they come in there that way not being of that frame of mind, they probably soon become that way, too, because of talking to the other inmates?

Mr. ADAMS. Not necessarily. Well, I can only tell you about myself.

Mr. WINN. That is what we are interested in.

Mr. ADAMS. When I went there I didn't hate every guard who was there simply because he was a guard. I committed a crime and I am justified in being there. I feel justified. I feel I should be there.

Mr. WINN. You felt you were guilty?

Mr. ADAMS. I felt I was guilty, I should have been there to find some direction. But when I got there and found out exactly how I was going to be treated, then I started hating guards. I didn't just go there hating everybody, all inclusive.

Mr. WINN. Were you ever physically abused?

Mr. ADAMS. Do you want me to really answer that?

Mr. WINN. Yes, sir.

Mr. ADAMS. Seriously?

Mr. WINN. Yes, sir.

Mr. ADAMS. I was beaten by probably more than 20 people in February, during the time you had the disturbance in Raiford. After being told that "If you come up and talk to us and tell us what your problems are, nothing will happen to anybody, all we want to know is what is wrong." After that, when it was all over they shot into the crowd of 700 and shot up a lot of people.

I was one of the first people stripped of all clothes, stood up in the cold, 30-degree weather, poked in the side with rifles and shotguns, hit in the side with butts, taken to a place on a flat top and beaten later on by 20 men.

Mr. WINN. Let's back up a little bit. Had you been what they called a perennial troublemaker?

Mr. ADAMS. No; I had not been a troublemaker.

Mr. WINN. Had you been a ringleader?

Mr. ADAMS. No; I had not been a ringleader of anything. Not been a troublemaker. My record is perfect.

Mr. WINN. Had you had a chance to communicate with the guards and with the authorities on complaints that you had? I guess you were talking about when you were on death row: right?

Mr. ADAMS. When you were talking to Judge Kelly this morning, I happened to write this down. He said there was a source you can take complaints. There is no source. If you complain about anything, you are automatically locked up. That is the solution to your problem. Lock you right up. Then you are no problem.

Mr. WINN. Now, you mentioned the part about being in the prison at Raiford at the time of the serious disturbance last February. Can you give us a little bit more background on the general conditions in the prison at the time?

Mr. ADAMS. Well, the condition that existed at that time was the same condition that existed years and years and years prior to that. That was that the food was bad, medical treatment was bad——

Mr. WINN. Don't they always gripe about food, though?

Mr. ADAMS. Yes; but this time it was legitimate. It was really bad. It was legitimate. The medical treatment was very bad.

Mr. WINN. How many prisons have you been in?

Mr. ADAMS. I have been in one, but bad food is bad food.

Mr. WINN. So you do not really have a comparison? How do you know what is bad?

Mr. ADAMS. I compare the food which exists at the place where I am now, Santa Fe Correctional Farm, and that which existed at Raiford. It is bad by all standards.

So the food was bad.

Mr. WINN. So they had a list of complaints?

Mr. ADAMS. They had a list of complaints; true.

Mr. WINN. But they did not feel that anybody was listening to their complaints; right?

Mr. ADAMS. That is true.

Mr. WINN. Do you think that was a planned disturbance?

Mr. ADAMS. No; it wasn't planned, it just happened.

Mr. WINN. Just exploded because it was getting hot?

Mr. ADAMS. I think it was just years of frustration that had piled up and reached the point where it exploded. I was in school when it first started. It started at the tag plant. The guys working there got tired of working, taking what they had to go through over there. They just started striking.

Somebody said a strike is going on. I was called. And I am emphasizing a "strike." It wasn't a riot. Nobody tried to grab any hostages, nobody tried to perpetrate any violence upon anybody. Nobody destroyed any State property. So it could be only called a strike, if that means refused to work and that was the extent of that.

As I say, it wasn't a planned thing. It just happened and after it started happening, everybody started participating, you know.

Mr. WINN. There were ringleaders, though?

Mr. ADAMS. I don't know that "ringleaders" is the right word. There were people, inmates, chosen to go up and talk to Mr. Wainwright, and the news reporters that were there and the attorney general, and everybody else that was there.

Mr. WINN. Let me ask you one personal question, if I might, and then some other members of the committee I know want to ask questions.

Are you an appreciative young man that you have been given a second chance, or are you a bitter young man?

Mr. ADAMS. Am I bitter? I am sure hundreds of people who know me probably could tell you I am not bitter. No; I am not bitter. Sure. I am very appreciative of the second chance and I am going to use the second chance, not just for myself, but to do something for somebody else. That should be obvious. I have done that all along.

Mr. WINN. I want to commend you and I think you are in a position, because when you go from death row into the situation you are now you have got a chance to help a lot of other people besides yourself.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Mr. Loyd, how long were you at Raiford?

Mr. LOYD. Altogether 16 years.

Mr. RANGEL. During those 16 years, recognizing that you were convicted of a crime, do you think the guards treated you fairly?

Mr. LOYD. Now what is fair—you know——

Mr. RANGEL. Subject to any type of abuse as a person which you felt you did not deserve.

Mr. LOYD. Oh, sure. I was on a bum rap several times and locked up for things I didn't do.

Mr. RANGEL. Were you ever physically abused?

Mr. LOYD. No; I never was. I was in the hole a lot of times.

Mr. RANGEL. For not doing anything?

Mr. LOYD. Well, attempted escape and——

Mr. RANGEL. When you have a large number of people together, say a small percentage of them could accurately be described as trouble-makers, but in view of your successful rehabilitation, you would normally belong to that group that would be trying to get along and do your time and get out. Right?

Mr. LOYD. No. Up until I got involved in this program, I was what they called a troublemaker.

Mr. RANGEL. When you got involved in trouble, you mean you belonged to a different group?

Mr. LOYD. Yes.

Mr. RANGEL. As a member of this group, did you find you were able to get along with the guards without going to the hole and being abused?

Mr. LOYD. Yes, sir.

Mr. RANGEL. When they had these uprisings, you were never involved in those, either as a leader or as an inactive participant?

Mr. LOYD. I wasn't there during this last one in February. I was in a similar one back in 1956.

Mr. RANGEL. What happened after that?

Mr. LOYD. I was locked up for a year in the flat top.

Mr. RANGEL. But you thought that was because of your participation, that their judgment was at least fair as fair can be?

Mr. LOYD. I didn't participate. All I did was yell out the window. But I was accused of being a leader-type person. And even though I am not loud and boisterous, and maybe you could say I was a leader.

Mr. RANGEL. Whether you were a good guy or a bad guy, did you during the 16 years, notice whether the black inmates were treated any differently than you were?

Mr. LOYD. Sure.

Mr. RANGEL. Could you describe the difference in that field?

Mr. LOYD. Well, I think one thing will stand out. In the 1956 riot, I think five black men participated out of a total of several hundred. The list of demands made at the time and the list of demands made in February were the same except the ones in February asked for black people to be hired. That was the only difference in the demands.

But when I first went to Raiford, there wasn't any blacks going to school, except for the janitor. There were about 25 people in the class and they were all white. There are certain jobs, like I worked in the printshop. This was 1967-68. We had no blacks in the printshop, except the janitor.

And, now, a couple of people, Arthur, wanted to get a couple of people, black people, in the printshop. And the boss said: "Well, we have to be careful, you have got to pick the right black man to put in here." When I left, I think there were two blacks working in the printshop.

MR. RANGEL. So when we talk about prison systems, in order to accurately know what we are talking about, we really have to distinguish between the white inmate and the black inmate; don't we?

MR. LOYD. In the prisons I have known: yes, sir.

MR. RANGEL. Now, Mr. Adams, I know you are not bitter——

MR. ADAMS. No; I am not. Again, I say no.

MR. RANGEL. I might suggest to you, as a Member of Congress, while you are here, that you don't even act like you are bitter because you won't be liked. You understand, don't you?

But I certainly want to pay tribute to both of you gentlemen who, under a very archaic system, have managed to survive. If there is anything that you can do in the short time that God gives you to be on this earth to give some realistic hope that other people, especially black ones, can get out of this very sad, narrow tunnel, I certainly think you are making a substantial contribution.

Thank you for appearing.

THE CHAIRMAN. Gentlemen, on behalf of the committee. I wish to thank you for coming today and for the invaluable information and the encouragement that you are giving. Good luck.

I would like to call now the Director of the U.S. Bureau of Prisons. Mr. Norman A. Carlson, and Mr. George Pickett, superintendent of the Federal Prison at Marion, Ill.

I will ask Mr. Callahan and Mr. Roberts to indulge us while we take the gentlemen out of order. We will do it as quickly as we can.

Mr. Norman A. Carlson was appointed Director of the Bureau of Prisons on March 25, 1970. He succeeded Myrl E. Alexander, who retired January 31 after 35 years in the Bureau, 6 years as Director. Since 1966, Mr. Carlson had served as executive assistant to Mr. Alexander.

Mr. Carlson was born in Sioux City, Iowa, on August 10, 1933.

He received a B.A. degree from Gustavus Adolphus College, St. Peter, Minn., in sociology in 1955 and a master's degree in criminology from the University of Iowa in 1957.

In 1968 he was one of the select civil service executives chosen to spend a year at the Woodrow Wilson School of Public and International Affairs, Princeton University, as a national institute of public affairs fellow.

He began his career in corrections as a correctional officer at the Iowa State Penitentiary, Fort Madison, Iowa, in 1956. In 1957 he entered the Federal Prison Service as a parole officer at the U.S. Penitentiary, Leavenworth, Kans. The next progression in his career was serving as casework supervisor at the Federal Youth Center, Ashland, Ky., from 1958 to 1960.

In 1960, he began his Washington service as assistant supervisor of the Division of Institutional Services at the Bureau of Prisons. Beginning in 1961, Mr. Carlson served a 4-year tour of duty in the Washington office as project director for the developing community treatment centers program. This program provides the transitional phase for selected inmates during the last 60 days of their sentence, permitting them to live outside the prison in a community center where they are provided guidance and supervision in their return to the community.

Mr. and Mrs. Carlson—the former Patricia Musser—live in Springfield, Va., with their two children, Cindy and Gary.

We have our distinguished colleague from Illinois, Kenneth Gray, chairman of the very important Committee on Public Works in the House, who is here today as a friend of Mr. Pickett. I will ask him if he will introduce Mr. Pickett to the committee.

STATEMENT OF HON. KENNETH J. GRAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. GRAY. Thank you very much, Mr. Chairman, and members of the Select Committee on Crime.

I would like to digress just a moment, Mr. Chairman, to tell you that all of us are proud of the fine work you and your select committee are doing in this field. You are fortunate today to have as your witnesses the outstanding Director of the Federal Bureau of Prisons, Mr. Carlson; and Mr. George Pickett, a great warden from Marion, Ill., in my district.

Also, I would like to mention the fact that you, Mr. Chairman, and others helped me in getting authorization for one of the most modern, if not the most modern, penitentiary in the world at Marion, Ill. The whole connotation has been placed on rehabilitation, and I hope if you decide to make any field trips, that the committee could visit this most modern institution at Marion. I am extending an invitation to you at this time.

I appreciate the extreme pleasure and privilege of presenting Mr. George Pickett, who is the warden at the U.S. penitentiary at Marion, a maximum security institution; and also on the outside of the prison compound, we have what would be considered a rehabilitation camp for minimum security prisoners, and an outstanding job is being done there in rehabilitating this type prisoner.

So I appreciate very much the opportunity of presenting Director Carlson and Warden Pickett, and to tell you my personal feelings for their outstanding work.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Gray. I will tell you that we had anticipated your invitation, and we already resolved that at the first opportunity our committee is going to visit Marion. We will get to see Mr. Pickett again. In fact, Mr. Myrl Alexander, when I called him up to ask him what I should inquire about when we went up to Attica, told us about Marion. Mr. Alexander was very proud of it, the most model correctional institution. We are hoping that we can see it, so that we can encourage the building, no doubt, of other penal institutions over the country.

Mr. Carlson, you go right ahead with any statement you care to make.

STATEMENTS OF NORMAN A. CARLSON, DIRECTOR, U.S. BUREAU OF PRISONS; AND GEORGE PICKETT, SUPERINTENDENT, FEDERAL PRISON, MARION, ILL.

Mr. CARLSON. Thank you, Mr. Chairman and members of the committee.

First of all, I want to apologize for interrupting your schedule. I realize that you had a schedule worked out prior to my trip plans

but, unfortunately, I have a group of Federal judges to meet with in Phoenix, Ariz., and I am committed to be there tonight.

I am going to briefly highlight my statement.

The CHAIRMAN. We will put your whole statement in the record, and you can summarize it.

Mr. CARLSON. In the Federal prison system, we have 28 institutions together with 10 community centers or halfway houses. We house in our system over 21,000 Federal offenders which is approximately 5 percent of the total prisoners confined throughout the United States.

During the past several years, there has been a marked change in our population. In addition to an increase in the number of inmates confined, which has been going up rather steadily, we have also noticed a change in the type of offender being committed. As one illustration, in 1961, approximately 11 percent of the Federal prison population was committed for what we consider violent crimes, serious offenses against the person. In 1971, this increased to over 20 percent. This is indicative of the change in the type of inmate population we are seeing in the Federal prison system.

In our system, together with the State and local facilities, we have a great many problems. I certainly do not want to minimize these problems. We have antiquated facilities and overcrowded institutions located in areas where we cannot develop the staff resources that are essential for a modern correctional program. About 25 percent of the total Federal prison population today is confined in institutions which are between 70 and 100 years old. About 25 percent of our total prison population is in institutions over 70 years old.

We do, however, have two new institutions, one of which Warden Pickett heads at Marion; and the other, the Kennedy Youth Center at Morgantown, W. Va. I will describe very briefly the Morgantown program, and I am certain Warden Pickett in his statement will be very happy to talk about the institution at Marion, Ill.

The Kennedy Center has been in operation now for close to 3 years. It houses approximately 300 juvenile and youthful offenders in a totally open campus-type atmosphere. From the very beginning of planning in the 1960's until it opened in 1968, we attempted to develop the Youth Center into what we would consider a model correctional institution. We have developed the type of program resources which can show what can be done in a correctional setting. We are very proud of Morgantown and would like to extend an invitation to you and all members of the committee to visit the facility at any time.

I would also like to highlight the statement on corrections President Nixon issued in November of 1969, which called on the Attorney General and the Bureau of Prisons to do all in our power to make our system more effective than it has been in the past. As a result of the Presidential directive, we have developed a 10-year plan to modernize our system.

There are two basic objectives in our 10-year plan. The first and of immediate importance is in terms of staff training. We opened, in March of 1971, our first staff training center. This is located in El Reno, Okla. We are going to open a second one next month in Atlanta, Ga.

Ultimately, we have plans for five staff training centers. The purpose of the staff training centers is not the traditional type of training

which prison officers have undergone for many years, including myself when I started out in this business. Rather the focus of our staff training effort is toward developing interpersonal relationships so that staff can relate and deal more effectively with the inmate population as part of our total treatment effort.

We are pleased with the results to date. We have a long way to go but we think our staff training efforts are beginning to pay dividends and will certainly pay additional dividends in the years to come.

In addition to the staff training effort, we have a very ambitious construction program presently underway. We have four new institutions already funded by the Congress which soon will be under construction. We have established two basic criteria for all new institutions. The first is drawing on the experience of Marion, and Morgantown, in that they will not be larger than 500 inmates. We believe 500 is the outside limit so far as institutional population is concerned. Once you go beyond 500, you reach the point of operating a warehouse rather than a modern facility.

The CHAIRMAN. You can sympathize with the problems that they have in Raiford, where they have 3,000 and Attica where they have over 2,200.

Mr. CARLSON. I most certainly can, and I might add our institutions at Leavenworth, Kans., and Atlanta, Ga., both have over 2,200. Both were built before the turn of the century, both are antiquated and present many problems.

Our new institutions will be smaller, from 300 to 500 offenders, but, more importantly, they will be developed in or near major metropolitan areas. They will not be located in remote areas but rather built like Marion, Ill., near the Southern Illinois University campus, or Morgantown which is close to the University of West Virginia campus. We believe it is important that institutions be located where we can draw upon the collateral resources of the university community.

In our new construction program, the first of which we will be breaking ground on December 15, will be a metropolitan correctional center in New York City. This will be a facility to not only detain Federal offenders who are awaiting trial but, more importantly, to provide the courts with a diagnostic service. Hopefully it will be a new type of model for construction. We are very pleased with the architectural design and are hopeful the institution will develop into a model which can be replicated across the country in replacing some of the horrible conditions found in many county jails and other facilities.

We are also planning to build a metropolitan correctional center in downtown Chicago. The site has been acquired and we expect to begin construction on the Chicago center some time early in the spring.

Our third new institution will be located at Butner, N.C. It will be a behavioral research center. Butner, I might point out, is located immediately adjacent to the research triangle of Raleigh-Durham, close to the Duke campus and the University of North Carolina campus. We are pleased at the location because it does provide us with the maximum resources we can draw on in terms of collateral assistance from the community.

Butner will serve as an institution to provide the diagnosis and care for offenders with emotional disorders as well as a research institution where we can experiment with various types of treatment programs which will hopefully enable us to find better ways to handle problems of offenders than we have in the past. Butner will be a specialized institution and the primary focus will be upon research and development.

The fourth new institution will be on the west coast, where we have a need for approximately 1,000 beds to handle the expanding youth population of that area. Rather than build one 1,000-man institution, we are proposing to build four separate institutions located on different parts of the west coast; namely, Los Angeles, San Diego, San Francisco, and Seattle. In these areas we feel 300 to 400 will be the maximum size of any one of the three or four units on the west coast.

I would also like to comment very briefly, Mr. Chairman, on our technical assistance programs. Since the inception of the Law Enforcement Assistance Administration, the Federal Bureau of Prisons has assigned professional staff members to each of the LEAA regional offices. Most of the correctional technical assistance to State and local governments is provided by employees of the Bureau of Prisons who are assigned to these regional offices.

In conclusion, I would like to comment again on the problems we have with overcrowded and antiquated facilities. During the past few years, there has been a change in terms of our appropriations. We now have a great expansion in terms of some of the problem areas. We are hopeful that in the future we can develop the Federal prison system into even a better system than it has been in the past.

That concludes my statement. I would be happy to answer any questions at this time, Mr. Chairman.

The CHAIRMAN. Mr. Pickett, would you go ahead with your general statement?

STATEMENT OF GEORGE PICKETT

Mr. PICKETT. Mr. Chairman, members of the committee, I am pleased to have this opportunity to discuss with you the role and function of the U.S. Penitentiary at Marion, Ill.

The institution was designed for 525 adult male felons who are difficult to manage and control. It was purposely located near a major university in order that academic resources could be utilized directly in staff development, enrichment of correctional programs and research.

There are relatively few direct commitments to the Marion penitentiary. Most of the inmates come to us by transfer from other correctional facilities where their aggressive behavior has been disruptive or where, for other reasons, the warden and his staff determined that the need for more effective long-term controls was paramount. Consequently, our men tend to be older—average age 38—more criminally sophisticated and potentially more dangerous than inmates of the other penitentiaries in the Federal prison system. Approximately 30 percent of them are black.

These are extremely difficult people to deal with. Traditional methods have placed heavy reliance on punitive repression and long-term close confinement with a minimum of activity. We have observed, frankly, that such methods have not been notably effective. Therefore, at Marion we are trying a number of different approaches.

Instead of idleness and long-term isolation, we place a premium on constructive activity. We have a sheet metal factory and a modern printing plant that regularly employ approximately 120 inmates. These industrial activities provide meaningful work and useful training opportunities. Additional vocational training programs are available in welding, machine shop practices and several aspects of automotive repair—job skills for which there usually is a high demand. Even for men whose release may be in the distant future, participation makes it possible for them to serve time with dignity and purpose.

We offer a broad range of educational programs from literary training to enrollment in college courses. We have augmented our own staff with part-time assistance of graduate students and faculty members from nearby Southern Illinois and John A. Logan Junior College. Many of our inmates are discovering how interesting and constructive the world of academic study can be.

One of our greatest assets is a much more favorable inmate-staff ratio than most penitentiaries can afford. This enables us not only to increase communications between inmates and staff but to provide structure for it. It is a fair statement that our counseling program is quite extensive and I am convinced that this close personal interaction produces better inmate control because it is based on mutual understanding, confidence, and respect.

Over the past 2 years we have been involved in the development of an experimental program that is truly unique. Our staff psychiatrist has over 30 men enrolled in what he calls the Asklepision Training Institute. Generally this combines the Synanon model of the therapeutic community with some of the techniques of transactional analysis. It provides a means of confronting a man with his bad, losing, destructive behavior and motivating him to develop a more winning life style.

Early results of the experiment are most encouraging. As participants are furnished a setting in which they are motivated to maintain social controls, they begin to apply their talents and energies to self-improvement instead of continuing as disciplinary problems. The program is not generally accepted in a positive way by both staff and inmates. In addition, we are beginning to find that the particular skills which an inmate applies to modifying his own behavior over a period of 2 years may be useful in helping others overcome their behavior disorders.

I feel that the penitentiary at Marion has made a good start in fulfilling its mission of developing more effective ways of managing and controlling high risk cases among the adult male felon group. Whether we eventually succeed will depend on how carefully we evaluate the effectiveness of our programs and services against the measurement of outcomes.

I am convinced that the things we are trying to do make sense. But I know, too, that they are expensive in both manpower and money and I earnestly hope that we can continue to receive the support we need to see the job through. Finally, I want you to know, Mr. Chairman, that we are not seeking panaceas. The people with whom we deal at Marion are very difficult. Despite the opportunities we try to provide there are still those who periodically try to escape, those who will readily participate in any mass demonstration against things they dislike, and those who, with the right provocation, would assault to kill either fellow inmate or a member of the staff.

Thank you.

I have some slides that one of the investigators asked that I show to the committee.

The CHAIRMAN. Some slides?

Mr. PICKETT. Are you ready for those, Mr. Chairman?

The CHAIRMAN. We would be glad to see them.

Mr. PICKETT. How many prisoners, if any, did you receive from Alcatraz?

Mr. PICKETT. How many?

The CHAIRMAN. Yes.

Mr. PICKETT. Alcatraz was closed in 1963—I have been at Marion since April of 1969. I believe about 25 or 30.

The CHAIRMAN. About 25?

Mr. PICKETT. About 25 or 30.

The CHAIRMAN. I want to hold up the showing of the slides for a moment, I am anxious to have as many members of the committee as possible see this. They will be back in a few minutes. They have gone over to answer a quorum. There will be other members back.

Let me just ask you a few questions.

You have to leave at 3:45, Mr. Carlson. We will arrange for that all right.

How much, on an average, per prisoner does it cost to maintain an inmate at Marion, in the first place; and, secondly, at the average Federal prison?

Mr. CARLSON. The average for all Federal prisons, Mr. Chairman, is approximately \$10.50 per man per day.

This is an average for all of our 28 institutions. At Marion, the cost is about double that. It is roughly \$20 per man per day.

The CHAIRMAN. How much does that come to a year?

Mr. CARLSON. \$10.50 per man is \$3,800 a year, so Marion would be about \$7,600 a year.

The CHAIRMAN. \$3,800 and \$7,600 a year?

Mr. CARLSON. That is correct. This is the total cost of operations, maintenance, staff, and food.

The CHAIRMAN. Now, the second question: Have you any figures with respect to the rate of recidivism from your prison? For example, does an enlightened institution like Marion get better results? Do you get better results in a Federal system than you do in an ordinary State system?

Mr. CARLSON. Mr. Chairman, one of the crying deficiencies in the field of corrections for years has been the lack of research or evaluation effort. At the present time, we are developing a computer capability

which will enable us, for the first time, to systematically follow offenders after they have been released from our institutions. Up to the present time, we have not had the capability to find out what did happen to an offender after his release. There have been studies done on an isolated basis, including the one by Dr. Glazer of the University of Illinois in 1964. Some others have been done more recently.

One we currently have is a thorough evaluation of the Kennedy Youth Center program at Morgantown, W. Va. To be very specific, Mr. Chairman, we simply do not have the data available at this time as to which institutions have been effective and which have not.

The CHAIRMAN. I was told by someone—I think it was Mr. Alexander—that the construction of the facility at Marion was such if you had trouble in one part of it, it was easy to close that part off. Would you tell us about that?

Mr. PICKETT. It will be in the pictures here.

The CHAIRMAN. This will appear in the pictures?

Mr. PICKETT. Yes, sir.

The CHAIRMAN. Do you have educational programs and vocational training programs?

Mr. CARLSON. Yes, sir. In all of our institutions, Mr. Chairman, we have full-time educational and vocational training staff to provide programs for offenders. At this point in time we have not done the job which is necessary. We certainly need to expand our academic and vocational programs in all institutions, but I believe we have a good beginning in most of our institutions and, particularly, at Marion.

The CHAIRMAN. Do you see a great variation in the type of sentence given by some judges as contrasted with others for the same offense?

Mr. CARLSON. Mr. Chairman, up until the past few years there was a problem of disparity of sentences in Federal courts. However, back in the days of Jim Bennett's leadership, we established with the Federal judiciary a series of sentencing institutes held regularly involving Federal judges. As a matter of fact, the meeting I will be at tomorrow is with 100 judges from the ninth circuit. The reason for these meetings is to get together and discuss the problems which we have about disparity of sentences and other matters of mutual concern. Federal judges are much concerned about the problems we face and we are working closely with them to resolve them.

The CHAIRMAN. Under the Federal system, an inmate has to serve one-third of his time before he is eligible for parole?

Mr. CARLSON. Under the regular sentencing statutes of title 18, United States Code, that is correct. But there are several other sentencing alternatives available. A new law, passed approximately 10 years ago, provides for the judge to sentence an offender and set the parole eligibility at less than one-third, or he can leave the parole eligibility up to the board of parole's discretion. In other words, give the board of parole total flexibility in terms of when they think the offender is ready for release. More and more Federal courts are using indeterminate sentences. We find very few regular adult sentences requiring absolutely one-third of the time to be served.

The CHAIRMAN. Out of your experience, is it better to have the courts fix the sentences when the trials are held or let them commit the individual to the correctional institution and allow them to release him when he shows the proper attitude toward release?

MR. CARLSON. As a correctional administrator, I think it is better when the court determines the sentence to be imposed, but provides flexibility in the sentence so the person can be released whenever the paroling authority believes is the optimum time. Some offenders have to be confined for long periods of time. We know that. Others can be released at a comparatively early time because of the progress they make in the institution and the resources available to them in the community. I would, in fact, prefer that the judges continue to impose sentences but that they also provide as much flexibility to the parole board as possible. This is a great asset, particularly to the institutional administrator.

THE CHAIRMAN. Perhaps the maximum sentence should be imposed by the court and leave it up to the parole board to reduce it?

MR. CARLSON. Yes.

THE CHAIRMAN. If they want to?

MR. CARLSON. Yes. So the parole board can have flexibility in their decisionmaking process.

THE CHAIRMAN. Mr. Pickett, would you please tell us how you stopped the strike disturbances at Marion?

MR. PICKETT. Well, shortly after the Attica incident, we had an inmate that attempted to escape and was shot. The next day all of the inmates went to work. They went to work at 7:35, workcall, and about 8:15 there were several in our metal and furniture factory that started circulating—several, about a half dozen started circulating—and contacting others, walking off their job. This spread to the mechanical department. Then I received word that also in the food service there were three of four that walked off from there.

So I directed that they have recall, and that everybody come in, rather than the rest of the population having to be under pressure to quit work. They all returned to their respective cells without incidence. From that time—this was on a Thursday morning—until about 1 o'clock on Friday, the following day, when they all returned to work.

The events leading up to the time they returned to work: We have an inmate council in Marion. This is a group of elected inmates from the inmate body and we met with them. I say "we," meaning myself and my assistant and associate warden and our chief medical officer. We met with six of the members of the inmate council and then negotiations continued, from then until the time they went back.

They went back to the inmate body and did not feel like they could, or they were not able to convince them they should go back to work. It was probably 90 percent of the population that wanted to go back to work, did not want any trouble. There were just a few agitators in the group that actually numbered about 10.

One man from each cellhouse—and there is a total of 32—met and they were demanding that they talk to me and I refused to meet with them. My assistant, associate warden, the staff negotiators, came back up to my office and we discussed then what we would do. I put out a letter to the population, a written statement of regret of the man that died as a result of attempting to escape.

Then we got together again with the six members of the council and it ended up that actually there was one unit that did not want to return to work and this was narrowed down to about a dozen people.

So we had said that we would let the rest of the people go back to work and those people went back to work.

We locked up eight agitators and they were demanding that those eight be turned out on Friday "before we go back to work" and we did not do this. We would not adhere to this. But we would review them just like we would anyone else that was placed in the administrative segregation for any infraction. We would review the cases, each individual case on Monday, and so this satisfied them and they all returned to work on Friday. We talked to the eight on Monday and returned them to the population. It has been quiet ever since.

The CHAIRMAN. Mr. Keating?

MR. KEATING. Thank you, Mr. Chairman.

MR. CARLSON. I had the pleasure of talking to you just about a week ago about the great progress in the Federal prison system. I was really grateful for that conversation. We all recognize there is much more to be done, but the Federal system has really taken the lead in the area. I commend you for your leadership in this area.

MR. CARLSON. Thank you, Congressman Keating. I appreciate those remarks.

MR. KEATING. I do want to get some thoughts and ideas on a couple of areas from you. If we talk in terms of vocational training, what do you envision as being the ideal program in this area?

MR. CARLSON. You are referring to vocational training now for the inmate population?

MR. KEATING. Right. I guess that is rather broad. So let us say, one, do you feel it would be helpful to involve industry, bring in outsiders to help teach them, as opposed to making that a function of the correctional officer; two, work releases that apply to the prisoners; and three, job placement service in the facility itself and guidance in halfway houses while they are working once they are released?

MR. CARLSON. In response to your question, Congressman Keating, I think there are a variety of techniques to provide vocational training that can and should be utilized.

First of all, I think the institution itself should provide full-time, qualified vocational instructors. In our system, most of our vocational instructors are teachers. In other words, they have a B.A. degree and are the same as a teacher in a high school shop program in any public school system.

In addition to that, I think there is a need to bring in outside industry, outside resources to provide much of the specialized training we simply are not able to provide. In our system we currently have several experimental projects underway funded by the Department of Labor where they have contracted with outside school systems and outside resources to come in and assist us in developing more realistic and relevant vocational training programs.

One of the problems that has plagued corrections for years has been the type of vocational training provided. The classic example, of course, is license plate manufacturing or some other occupation which is simply not relevant in the demands of the community. What we have to do is find the means and mechanism to develop the relevancy that is needed in vocational training programs.

I might just cite one brief example in our Women's Reformatory at Alderson, W. Va., an old institution and overcrowded but it does

have a very good vocational training program in key punch operations. We have had good success with the program. It was initially developed by a private contractor. A private firm came in and helped us develop the curriculum and the program. We found that the young people who are trained in this key punch operation there have little or no difficulty securing good jobs, because there is a tremendous demand throughout the country for this type of training.

To me this is a graphic illustration of what we have to do to keep up with modern technology, keep up with the employment market, and to find out what type of training is relevant to employment opportunities.

Beyond that we need to think in terms of work-release programs and community treatment centers. In the Federal Bureau of Prisons, we started our halfway-house program in 1961. I was in charge of the program for 4 years when it was first set up. We currently have 10 halfway houses of our own and have contracts with another 50 private and State-operated halfway houses, places where we do not have sufficient offenders returning to justify our own independent units. We use, under contract, the resources of State, local, and private agencies.

I personally feel that the vast majority of the offenders should go back to the community through a halfway-house-type program. We have done research in this area and we have demonstrated, without question, that halfway houses are successful, in that they do reduce rates of recidivism. As a matter of fact, all of our studies indicate at least 10 percent less recidivism occurs when you utilize the facilities of a halfway house as a transitional step back into the community.

I think one of the crying needs now is to develop more community-based programs such as work release and halfway houses.

Mr. KEATING. Even with a job placement service, the reentry into society does present a traumatic experience to the individual. The halfway house, I am sure, weans him away from the regimentation he found in prison and gives him an opportunity to stay with the job and handle the frustrations and problems of life once he reenters society. Fortunately, we have a halfway house on a contract basis in Cincinnati, Ohio, which I am very pleased with.

Mr. CARLSON. Yes, sir, Congressman Keating.

Mr. KEATING. Are you in a position or would you be willing as a Federal prison official to cooperate with the State prison officials in the training of guards for their program? Or would you have a central agency for training Federal and State prison officials? Prison guards now, I am talking about. Is there some approved procedure in your mind that should be followed to develop the kind of correction officials that you feel is necessary to enhance the whole system?

Mr. CARLSON. Congressman Keating, we certainly do not have panaceas in the answers in the Federal system. As I pointed out, we have many problems, but I think we are beginning to find some answers and solutions to these problems. At our staff training centers we presently are able to accommodate only our own needs. However, once we have additional centers in operation, we definitely plan on taking State and local correctional officials.

In addition to that, Congressman, many States have already sent their own staff training people to our facility at El Reno, Okla., just

to observe the curriculum that has been developed there and, hopefully, to translate it back into their own staff training efforts.

The staff training program is absolutely essential if we are going to develop the competence required in the field of correction.

Mr. KEATING. I hope the new facility you propose in New York City will become a model for other cities. You described this facility as having a range or tier with 50 prisoners on it and sufficient correctional officers so they would get to know the individuals with whom they are to work with every day. This may very well answer the communications problem that we constantly hear about and was again stated earlier today by some of the inmates.

Mr. CARLSON. Very definitely. The large cellhouses, the old traditional architecture of the past, is coming to haunt us. All of our new institutions will have living units of no more than 50 inmates. Staff will be assigned to work in the units, on a permanent, full-time basis, so they can develop relationships and rapport with the inmate population.

In addition, the facilities we are planning do not have the traditional cell-type construction. We are trying to minimize the use of traditional steel and bars of the past. Technology now permits us to use a variety of newer types of material which provide security without the negative influence of bars and steel. We think we can do a much better job of constructing institutions so they do not have the awesome appearance of the traditional prison.

Mr. KEATING. I may have missed this in your general statement as I was answering a quorum call, but did you indicate 15 percent of the prison population in the Federal prisons are mentally ill; is that correct?

Mr. CARLSON. That is correct, Congressman Keating.

Mr. KEATING. You are making efforts to be near universities to attract people in the area of psychiatry. Is this true of the new center you propose in North Carolina?

Mr. CARLSON. Butner, N.C. That is correct.

Mr. KEATING. Do you have any idea of the estimate of the number of mentally ill in the State system?

Mr. CARLSON. I really do not, but I would assume our figures are fairly representative of the prison population of the country. I would suspect 15 percent would be approximately what you would find at the State and local levels as well as the Federal system.

Mr. KEATING. You will be able to disseminate the information and research you develop at this institution to the State systems?

Mr. CARLSON. Very definitely. One example of how we have done this is in our Kennedy Youth Center at Morgantown, W. Va. Through the auspices of a financial grant from the Law Enforcement Assistance Administration, for the past 2 years we have been taking, upon request, State and local correctional personnel from the juvenile field and exposing them to the program that has been developed at Morgantown. We are not trying to convey the impression that we have found the ultimate solution at Morgantown, but rather that Morgantown is a new approach.

We feel by communicating this to the State correctional personnel they can, perhaps, use some of the same techniques. At the same time,

we try to work very closely with State officials and develop some modern programs and find out what they are doing to incorporate their best thinking into our system. So it is a mutual interchange of ideas and concepts.

Mr. KEATING. Is it fair to say the real thrust of the Federal system now is to put prisons within metropolitan areas or as close to them as possible?

Mr. CARLSON. Very definitely, Congressman Keating. I think one of the handicaps we live with is that too many of our institutions are located in remote areas. It is very difficult to recruit staff in these areas, particularly professional staff. A psychiatrist, for example, is easier to recruit in a major metropolitan area because there is a natural tendency to want to be affiliated with universities and hospitals. In some of our remote areas, we simply cannot recruit, even though we have the positions and funds.

Mr. KEATING. Is it not easier at the metropolitan level to get better racially balanced correction officials?

Mr. CARLSON. It certainly is. We have a much better chance if our institutions are near metropolitan areas in terms of racial balance between staff and inmates.

Mr. KEATING. We found at Attica some of the Spanish-speaking inmates did not have anyone who could properly interpret their feelings or problems to the officials and medical authorities. I suppose people in these classifications would be better served.

Mr. CARLSON. Very definitely.

Mr. KEATING. Would we speed up the release for many persons with vocational training? Wouldn't this motivate the inmates and, in turn, reduce the period of incarceration by a significant degree with a real effective program in all of our prisons?

Mr. CARLSON. I think so. We know that 98 percent of all of the prisoners across the country are some day going to be released back into society. This is a fact that has existed for years. I think the question is what do we do with the offenders so when they go back they will not repeat offenses. Vocational training is certainly one of the key elements in a good correctional program.

In the Federal system, and I suspect it is fairly typical at the State and local levels, 95 percent of our inmates do not have a high school diploma or equivalent. We know today that for the future, the high school diploma is essential for occupational placement or any type of work skill. We also know in our system that 75 percent of our inmates have no job skill in terms of vocational training or any type of employable skill. I think it again points out one dramatic need for correctional improvement to develop.

The CHAIRMAN. Did I understand you to say 95 percent of your people did not have a high school diploma?

Mr. CARLSON. That is correct.

The CHAIRMAN. That 75 percent did not have any particular skills?

Mr. CARLSON. Any particular vocational or job skills. That is correct.

Mr. KEATING. Let us assume for the moment that when a person commits a crime and the court in its judgment feels he or she should be separated from society for his protection or that of society generally,

once he is incarcerated the principal thrust of what you are trying to do is rehabilitate and prepare him for the day he is released after he has served his time?

Mr. CARLSON. By all means. I think the mission of any correctional system has to be the correction of the offender. If we just keep people incarcerated until their release date, we have not accomplished a thing. The way corrections can protect the public is return offenders to the community, who can live stable, law-abiding lives after release. This must be our goal.

Mr. KEATING. So instead of warehousing people, we are trying to prepare them for the day of release.

Mr. CARLSON. By all means.

Mr. KEATING. Otherwise our goal in law enforcement is a failure.

Mr. CARLSON. I think the entire criminal justice system would have failed if corrections does not do its job.

Mr. KEATING. I agree with that. So it is essential you perform this job well and keep progressing with the times as time goes. People change over a period of time, and as long as we keep abreast of that change, we are going to do the job that is expected of us.

You did cover sentencing and that it is important to provide more flexibility in the area of sentencing. In spite of efforts to the contrary, the judge should be the one to impose the sentence. I still believe that, in spite of some of the efforts to the contrary that we read about every day.

Mr. CARLSON. In addition, I think the flexibility provides motivation in an institution. It is important for an offender to know his chances for an early release depend entirely on what he does. It does give us a definite handle in terms of motivating the offender to participate in activities.

Mr. KEATING. A State senator from the State of New York indicated the other day he felt one of the most significant single areas was the training of the guards to be more than just custodians, to communicate with prisoners, to know and understand them, and he felt there would be more control within the institution as a result. Do you agree with this?

Mr. CARLSON. By all means. The line correctional officer is the person that has the day-to-day contact with the offenders. He is the key to the correctional program. The professional staff can play a part. The heart of the institution, however, is the correctional officer. What we have to do is recruit and train the most competent correctional officers we possibly can. In the Federal system we are rather fortunate because the salary scale is such that we are able to attract, in most areas of the country, well-motivated, competent individuals. Some of the State and local governments, however, have tremendous problems because of the salary level which they pay.

Mr. KEATING. If he is really good, he can sense there is a problem with an individual inmate; and if it is small enough, he can head off a problem on a one-to-one situation.

Mr. CARLSON. By all means.

Mr. KEATING. I do not believe that a prison can operate effectively if it does not have control of the institution at all times. You cannot rehabilitate, you cannot instruct, you cannot care for, unless you have control of the inmate situation at all times, and your own guards.

Mr. CARLSON. I certainly would agree with that. The administration must be in control of the situation at all times. The idea that the inmates can control their own institution simply does not work.

You can use an inmate council as Warden Pickett's and most of our institutions do, and you can use them very effectively as a communication medium for feedback both ways. But I think it is essential that the warden and staff of the institution are in control of the facility.

Mr. KEATING. I would also have the tendency to feel that, as a general rule, you cannot negotiate when hostages are being held; that the negotiation must take place at a later time. You have to get control of your prison before you can begin the negotiations. Is that correct?

Mr. CARLSON. The question of hostages is a very difficult one to answer. Basically, I would agree with your comment. I think, however, I would have to say we have to evaluate each situation individually according to the particular circumstance. What, in effect, I am saying, is that I cannot be a Monday-morning quarterback, and I am sure you would not expect me to be.

Mr. KEATING. As a general rule, that proposition would be true, but there are exceptions to that rule, depending upon the circumstances. Nevertheless, I think it is a good general rule, and I think we tend to forget that in a situation that is uncontrolled, the inmates themselves have to be protected from other inmates.

Mr. CARLSON. There is no question about it. One of the real needs is to protect inmates from other inmates. There are many inmates in institutions that require a great deal of protection.

Mr. KEATING. Aside from protection for hostages?

Mr. CARLSON. Correct.

The CHAIRMAN. Mr. Mann?

Mr. MANN. Mr. Carlson, do you have any figures on 5-year recidivism?

Mr. CARLSON. We do not have recidivism figures. One of the problems we face, and most correctional systems face it, is lack of adequate data in terms of research. There have been studies done on selected samples of our population. But we do not have any reliable figures at the present time.

Mr. MANN. We learned the New York Department of Correctional Services is apparently setting up adequate research services. Does your Bureau have such a service now established?

Mr. CARLSON. We are at the present time developing computer capability which will provide us with a total feedback of information from the time an inmate comes to us until he is released.

Mr. MANN. Do you have any authority over the parole officer setup?

Mr. CARLSON. No, Congressman Mann. The paroling authority, of course, is vested in the U.S. Board of Parole.

Mr. MANN. In that connection, I am concerned with the followup they give, particularly in the area of jobs, and having the information from the prison which will permit them to guide that parolee. Do you have something to do in that area?

Mr. CARLSON. Yes; we do. The actual supervision is provided by the U.S. Probation Service which is a part of the administrative office of the U.S. courts. There are some 600 U.S. probation officers throughout the country. We maintain close liaison with them. They have full

access to all of our reports as well as we have access to all of their reports. We work closely with them.

Mr. MANN. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Murphy?

Mr. MURPHY. Thank you, Mr. Chairman.

Mr. Carlson, I was answering a quorum call on the floor. I did not hear all of your statement. Are you in possession of figures as to what percentage of inmates are in as a result of narcotics-related crimes?

Mr. CARLSON. Yes. In 1971, over 30 percent of the commitments in the Federal prison system had a history of drug usage prior to commitment. This is far higher than we had anticipated.

Mr. MURPHY. What is the procedure when that convicted narcotic user enters into your system? Do you give him any special treatment as far as withdrawal or maintenance on methadone.

Mr. CARLSON. We do not use methadone maintenance in our institutions. We presently have 10 institutional programs specifically for narcotic addiction. We have five units for treatment of offenders committed under the Narcotic Addict Rehabilitation Act passed by Congress 4 years ago. We have five other institutional units for treatment of narcotic addicts who do not fall within the purview of that sentencing statute.

In addition, we have just recently taken over the U.S. Public Health Hospital at Fort Worth, Tex., where we have a large narcotic treatment capability. We just moved our first inmate population in within the last 2 weeks. Ultimately, we will have 500 offenders at Fort Worth. Half will be under full-time narcotic treatment.

Mr. MURPHY. Thank you very much.

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Mr. Carlson, I understand by statute you are prevented from giving treatment to every addict admitted to a Federal institution?

Mr. CARLSON. No; we are required to give treatment to all addicts who are committed under title II of the Narcotic Addict Rehabilitation Act. When the judge sentences the offender under that statute, it is incumbent on us to provide treatment for him. We are not required to for other offenders, but we certainly want to do so and are increasing our capability to do so.

Mr. RANGEL. There comes a time when an individual charged with a crime has violated both the State and Federal law. I assume it depends on who arrested him as to who has jurisdiction.

Mr. CARLSON. Very candidly, I am not familiar with the decision-making process. The U.S. attorney, of course, is involved if there is a Federal prosecution—Federal arrest. But who makes the decision on which governmental unit makes the prosecution, I am not aware.

Mr. RANGEL. You are aware in many areas of criminal law there is concurrent jurisdiction?

Mr. CARLSON. Yes, sir, Congressman Rangel.

Mr. RANGEL. So while he bargains for a plea, he might very well—understanding how the Federal system works as opposed to other State institutions—think it might be wise to bargain as to who makes the arrest, or which court he pleads in; wouldn't you say?

Mr. CARLSON. I have never heard of that happening. I suspect, however, that it might. Again, I want to point out that we have many problems in our institutions and many complaints, as I am sure you well know. We do not operate all the best institutions in the country. I think there are a number of very good State institutions as well as some of our facilities.

Mr. RANGEL. My colleagues seem to believe there is a much higher standard of rehabilitation services in the Federal prison as opposed to the general State prisons.

Mr. CARLSON. I would suspect your statement is correct, Congressman.

Mr. RANGEL. Then when you prepare your statistical data as to what your rate of recidivism is, you can only do that with the type of prisoner who only commits Federal crimes.

Mr. CARLSON. That is correct.

Mr. RANGEL. That is really not fair statistics, is it? We do not have people who commit just Federal crimes; do we?

Mr. CARLSON. There are some unique Federal crimes. But for the majority, there are concurrent offenses involved. When you talk about recidivism, you have to be very cautious in terms of the population you are dealing with as you point out. The type of offender and the age group of the offender are tremendously important variables in analyzing any rate of recidivism.

Mr. RANGEL. But as a professional, if you were not involved in the Federal system, but just as an expert in this field, don't you believe that a person charged with certain acts should be assured the same type of penalty and the same type of a sentence, rather than have this "game play" as to whether he is arrested by a Federal agent or by a local policeman?

Mr. CARLSON. My response would be that all correctional systems ought to operate as effectively as possible. I think that the real question is who can provide the most effective means of correcting the offenders that are committed to custody. As to the jurisdictional question, again, I have no personal knowledge. I have never been involved in that facet of the criminal justice process, and I really do not know what the answer is.

Mr. RANGEL. Thank you.

The CHAIRMAN. Mr. Wiggins?

Mr. WIGGINS. Mr. Carlson, do you possess statutory authority to conduct training seminars for the benefits of your personnel?

Mr. CARLSON. Yes; we do. The statutory authority does provide us this ability to provide the staff training facilities. In addition, the Congress during the past 2 years has increased our appropriations for our staff training effort. We, for the first time, have just begun to develop the capability that we obviously need.

Mr. WIGGINS. Congress is as concerned about the quality of prison personnel as you are. Can you make any recommendations to us for legislative changes that would be of assistance to you in bringing better training to your people?

Mr. CARLSON. I think one response I would like to make is that the Congress in establishing the Law Enforcement Assistance Administration, provided for LEEP—law enforcement educational programs.

This has been a tremendous advantage to us because many of your correctional officers are able to pursue college courses while they are working for the agency.

In addition, we have been able to develop a number of contacts with universities, such as Southern Illinois University at Carbondale, Ill., and other nearby universities to put on training seminars for our personnel.

Mr. WIGGINS. I gather the answer is that you do not have any specific legislative recommendations?

Mr. CARLSON. No; I do not consider it a legislative recommendation.

Mr. WIGGINS. The suggestion was made to me awhile ago, that people who serve in prisons as prisoners might make excellent guards once they are released. Is there any legal prohibition against their becoming guards?

Mr. CARLSON. No; there is not. In the Federal system, during the past 2 months, we hired a correctional officer who was a former inmate, and happened to be an inmate I served as parole officer for when I worked in Ashland, Ky., 10 years ago. He is now a full-time correctional officer. He made a very successful postrelease adjustment. He has maintained a number of ties with some of us who knew him when he served his sentence.

I would certainly like to do more of this in the future. I think the ex-offender can play an important role, particularly in communicating with offenders. They do have a greater ability than the average correctional employee.

Mr. WIGGINS. I am pleased with your response. I have not thought through that program, but it has certainly at least a superficial appeal. If it has worked out in your case, I hope you will pursue it and hopefully expand it.

Mr. CARLSON. We certainly intend to.

The CHAIRMAN. Mr. Blommer?

Mr. BLOMMER. Mr. Carlson, I take it from your response to Mr. Rangel about the persons who come to your system who are narcotic drug addicts, that you believe all of those persons should receive some treatment; is that correct?

Mr. CARLSON. That is correct.

Mr. BLOMMER. Do you know how many inmates in Federal institutions are, in fact, narcotic addicts?

Mr. CARLSON. The data we have indicates about 30 percent of those committed last year. Judging from that, I would assume somewhere between 25 and 30 percent of our total population have this problem. Ultimately we plan to develop the capability to provide narcotic treatment for all of those offenders. In other words, close to 5,000 of our 21,000 offenders have drug-related problems.

Mr. BLOMMER. Of the 5,000 who are narcotic addicts, how many are receiving the treatment mandated by title II of the Narcotic Rehabilitation Act?

Mr. CARLSON. Approximately 600 at the present time under this particular title. At the present time, our capability to provide narcotic treatment is for approximately 850. We have a ways to go in developing capability for treatment programs to meet the needs of all offenders with narcotic problems who come into our custody.

Mr. BLOMMER. Are the title II inmates sent to special institutions or are they part of the general inmate population just receiving a special program?

Mr. CARLSON. They are part of the general population but do participate in a full-time program which is specifically designed for them. We have totally separated staffs that provide the narcotic treatment programs in our institutions. Most of these are Public Health Service employees, psychiatrists, psychologists, and social workers, who provide the narcotic treatment programs. But they are in existing institutions.

Mr. BLOMMER. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Carlson, I guess we can get you away on schedule. We thank you very much for coming. You have been a valuable contributor to our inquiry.

(Mr. Carlson's prepared statement follows:)

STATEMENT OF NORMAN A. CARLSON, DIRECTOR, BUREAU OF PRISONS, U.S.
DEPARTMENT OF JUSTICE

Mr. Chairman, members of the committee, I am pleased to appear before you this morning and discuss the operations of the Federal Bureau of Prisons, its problems and plans for improvement. Accompanying me is Warden George W. Pickett of the U.S. Penitentiary, Marion, Ill. Warden Pickett is one of our top institutional administrators—a man with over 21 years experience in the field of corrections.

The Federal Bureau of Prisons of the Department of Justice was established by the Congress in 1930. At the present time, the system consists of 27 major institutions and 10 community treatment centers. Our institutions confine 21,000 inmates, approximately 5 percent total confined offender population in the United States.

During the past several years, the number of offenders confined in Federal institutions has been increasing rather steadily, and we expect the upward trend to continue. In addition to the increased population in the Federal prison system, we are noticing a decided change in the type of offender being committed by Federal courts. There has been a marked increase in the number of predatory, aggressive offenders being committed for such violent offenses as rape, robbery, assault, and kidnaping. The number of offenders committed for these offenses has increased from 11 percent in fiscal year 1961 to over 20 percent in fiscal year 1971. At the same time, we have seen a decline in the number of offenders confined for liquor law violations and other of the more minor offense categories.

One of the reasons for the shift in Federal prison population is the use of dispositions other than imprisonment for offenders who do not present a threat to the community. I certainly support this both as a means of achieving more equitable justice and of insuring the most effective use of available resources. It has resulted, however, in a high concentration in our institutions of the more serious offenders who are less amenable to correctional treatment.

As is true in most prison systems in the United States, the Federal system has been handicapped by antiquated facilities, insufficient staffs, and limited resources with which to provide adequate programs for offenders. As an example, over 5,700 of the 21,000 Federal offenders are confined in institutions over 100 years old. These are the large, outdated penitentiaries at McNeil Island, Wash.; Leavenworth, Kans.; and Atlanta, Ga. On the other side of the coin, we have two comparatively new institutions both of which we believe demonstrate that smaller, treatment-oriented institutions are far more effective and efficient than the large penitentiaries of the past. In his statement, Warden Pickett will describe the operations and programs at the U.S. penitentiary, Marion, Ill., which was opened in 1963.

The other new Federal correctional institution is the Kennedy Youth Center at Morgantown, W. Va. This modern campus-type institution provides services for approximately 300 younger offenders, both male and female. From the beginning, we attempted to develop Morgantown into a model institution by allo-

cating as many resources as we could to the program. Preliminary research indicates that the Morgantown program is effective in reducing rates of recidivism.

At the request of the President on November 13, 1969, the Federal prison system developed a long-range plan to correct our major deficiencies and improve our programs. A 10-year plan has been compiled and it was submitted to the Congress in the budget for fiscal years 1971 and 1972.

One of the major elements of the plan emphasizes the recruitment and development of professionally trained staff. If we are to meet the challenges of the 1970's, we must develop correctional staff members who are skilled in working with offenders and who can adapt readily to new ideas.

During March 1971, the Bureau opened the first of five planned staff training centers at the Federal Reformatory, El Reno, Okla. The training program presently provides 2 weeks of intensive orientation for new Bureau of Prisons employees. The focus of the training effort is on the development of young, career-oriented staff employees who have the ability to relate effectively with inmates.

A second staff training center will be opened at the U.S. Penitentiary, Atlanta, Ga., early in 1972. As the programs develop, we will provide refresher training for all career employees of the Bureau of Prisons as well as make the facilities available whenever possible to State and local correctional personnel.

A second part of the Bureau's 10-year plan is an ambitious construction program which will provide us new, modern institutions which will enhance our capabilities of correcting offenders. In developing the new institutions, two factors are emphasized:

New institutions will house no more than 500 offenders; and

All new facilities will be located in or near major metropolitan areas which provide immediate access to universities, medical, and other community resources.

One of the primary goals in the construction program is to alleviate the problems presented by county jails. In most instances, jails in the United States are overcrowded, antiquated, and provide nothing more than "human warehouses" where offenders are "stored" while awaiting sentence. The Bureau of Prisons has identified eight major cities where we plan to build metropolitan correctional centers that we hope will serve as models for the replacement of traditional jails. These multipurpose centers will provide facilities for presentence and short-term postsentence detention, diagnostic services for the courts, and community treatment units to assist offenders in returning to the community after release.

The first of these metropolitan correctional centers will be built in New York City immediately adjacent to the U.S. district court in Foley Square. Ground-breaking for this new facility is planned for mid-December with a target date for completion early in 1973. A second metropolitan correctional center will be built in Chicago during 1972. We are presently involved in site selection and design planning for three other centers to be located in San Francisco, San Diego, and the Philadelphia-New Jersey area.

Another new Bureau facility presently under design is the Behavioral Research Center to be located at Butner, N.C. This will be a specialized institution devoted to the diagnosis and treatment of emotionally disturbed offenders as well as a research institution which will assist us in developing new treatment methods and techniques. The Butner institution will be a unique facility in that its location will make it an excellent laboratory for the study and research of criminal behavior. In our program design, a number of outside consultants have been utilized including the National Institute of Mental Health, and the staff of the University of North Carolina and Duke Schools of Medicine and Psychiatry.

We are also in the process of locating sites and developing plans for a new west coast youth complex which will house approximately 1,000 youthful offenders. Rather than build one large institution, we plan to develop four smaller facilities located near San Francisco, San Diego, Los Angeles, and Seattle. The programs of the institutions will be similar to those presently in operation at the Kennedy Youth Center, Morgantown, W. Va.

In order to assist State and local correctional agencies, the Bureau of Prisons has been closely allied with the Law Enforcement Assistance Administration. Bureau correctional advisors are located in each of the LEAA regional offices and respond to requests for aid and assistance.

While we in the Federal prison system have many problems and deficiencies, I believe we are making a concerted effort to improve our programs and operations. With the introduction of additional resources which have been provided during fiscal year 1971 and fiscal year 1972, I believe we can make the Federal prison system even more effective than it has been in the past.

Mr. Pickett, we just had a record vote announced over on the floor and we will have to run over there for a few minutes. We should be back here in about 15 minutes, if you can wait. Can you wait?

Mr. PICKETT. Yes, sir.

The CHAIRMAN. The other witnesses, if you will be kind enough to wait, we will appreciate it.

(A brief recess was taken.)

The CHAIRMAN. The committee will come to order, please.

Mr. Pickett, you may go right ahead with your slides; we will be pleased to see them.

(The following narration took place during the showing of slides.)

Mr. PICKETT. First, I would like to apologize for not being able to stay with you longer. I certainly think the committee ought to come out to Marion and spend some time with us at the institution.

This is an aerial view of the institution and it is located on the southeast corner of the National Wildlife Refuge. The refuge consists of 44,000 acres, of which the institution has 950 acres.

You will note the perimeter road, the white line around the outer edge of the picture, then the inner road next to the double fence—this you will see in pictures later. We have six towers. One on the left by the water. No. 2 directly in the middle at the back of the picture. No. 3 over on the right corner. No. 4 is on the side. No. 5 is at the bottom of the picture and No. 6 is on the left.

This is as you enter the institution, what we call the reject circle, the administration building. Actually, the institution looks more like an industrial plant than it does a prison.

Mr. PHILLIPS. Tell me how far is the nearest town?

Mr. PICKETT. To the closest city?

Mr. PHILLIPS. Yes.

Mr. PICKETT. Eight miles to Marion.

Mr. PHILLIPS. If the people wanted to visit inmates, how far would they have to come to your institution?

Mr. PICKETT. Marion differs from the other institutions. Most of our inmates are not committed there from court, they are transferred from other institutions. So, therefore, we have men there from all States. I believe the last count was 40 States.

This is the front of the administration building showing a Bureau of Prisons bus unloading prisoners.

This is the double fence, 12-foot fence; note the distance between the buildings and the fence. This is what we call inner security.

Any time that you have a building up close to the fence it is very difficult for the tower man to observe, where otherwise he can scan a large area where the area is lighted between the fence and the building.

This is the rear entrance to the institution, or we call it the "Sally Port" and you can see the metal factory, the print shop, and the maintenance shop at the top of the picture.

This is in the administration building. This officer works during the day shift only. The rest of the time the grilles are operated by the

message center officer. This is what is called the "message center." This institution has, I believe it is the only institution in our Federal service that has, a control center and a message center. You see the TV camera at the top of the picture. The TV cameras are also used for scanning corridors.

Here is another view of it. We have 12 grilles in the institution, and the officer in the message center can close all of the grilles in the institution by just throwing the emergency switch.

Mr. PHILLIPS. You said you had a number of grilles. Would you explain what a grille is.

Mr. PICKETT. You see that? The sliding grille? That is electrically controlled. With a camera on each side of it for a back view and a front view? The message center controls the first three grilles and the control center controls the remaining grilles. But, as I mentioned, the message center officer can take over all of the grilles if an emergency developed, and freeze the entire grille system of 12 grilles.

Mr. PHILLIPS. Is there a 12-gate passage you have to pass through to get through the units?

Mr. PICKETT. Yes.

Mr. PHILLIPS. You have to go through 12?

Mr. PICKETT. Well, to get into the main part of the institution, there are only five grilles to go through. The rest of the grilles are open during normal workdays in the week, Monday through Friday. They are closed at night. This is one of the cellhouses. The capacity is 72 cells and these are all inside cells.

This you see is a card table and chairs for playing cards out in front of the cells.

This is a cell and you cannot see it, but on the right there is a shelf, there are lavatory facilities, and a locker for each man to place his clothing. On top of this locker is a desk and he has a chair that is on the side.

VOICE. Can you tell us what the percentage of time is that a particular prisoner would spend in his cell, the number of hours a day he would spend in his cell?

Mr. PICKETT. He is locked up from 10 p.m. until 6 a.m. The normal day for an individual is to get up at 6 a.m., go to chow at 7 a.m., and then to work at 7:35 a.m.

This is the central barber shop. It has actually four chairs where all of the men in the institution receive haircuts.

This is the commissary, which operates daily, Monday through Friday, 4:30 a.m. until approximately 7 p.m.

This is the outpatient department. The institution has a modern accredited hospital. This is the outpatient emergency treatment room.

Here is the surgical room. Very modern equipment.

This is the dental clinic.

This is the visiting area. A man who has a visit, the visitor comes in at the front of the institution, the first picture you saw. The officer at the grille checks the visiting record. If approved, then the visitor proceeds to the visiting room. The inmate is called for and changes clothes from that he is wearing into a clean suit of clothes in a room adjacent to the visiting area. This is for the control of contraband. When the inmate leaves the visiting room, he changes back to the clothing he was wearing when entering the visiting room.

I believe this was taken last fall in the visiting room. You see some decorations. This is one of the functions in one of the dining rooms, a Jaycees' banquet.

MR. PHILLIPS. Warden, may I interrupt?

MR. PICKETT. Yes, sir.

MR. PHILLIPS. How do you describe this prison on the scale of maximum, medium, minimum security?

MR. PICKETT. How do we classify it?

MR. PHILLIPS. Yes, sir.

MR. PICKETT. We have close custody, medium custody, and minimum custody. Close custody means a man will live in the most closely supervised unit in the institution, and when out at work or at recreation will be under supervision.

VOICE. Excuse me, sir. Do you have all three of these categories within the confines of this single prison?

MR. PICKETT. I did not understand you, sir.

VOICE. Do you have all forms of custody within this prison?

MR. PICKETT. No. The minimum custody we have outside.

VOICE. This is called maximum security?

MR. PICKETT. Yes, sir. This is a vocational shop. You see the welding booths on the left; there are 12 welding booths. We have a very modern vocational shop building. The program consists of welding, machine shop, automotive transmission, front-end alignment.

VOICE. What other skills? Those generally are skills for people that want to use their hands and can do so. Do you have anything like the operation of computers, electronic devices, or things for people that would be more clerical, more academic, in character?

MR. PICKETT. This would be in the education department; yes, sir.

This is the printshop. You see some of the presses. We do work, of course, for Government agencies, courts, et cetera.

Here is the metal factory. They make desks, metal desks, and metal tables.

This is the food preparation area.

VOICE. What time is dinner?

MR. PICKETT. Just as soon as the count is OK. Approximately 4:15 p.m.

VOICE. What is the prisoner to do after he finishes dinner until 10 p.m. when he is locked in?

MR. PICKETT. Well, depending on the season, he has outside recreation, starting at 5:30 p.m. during the summer months. We have a gymnasium for inside recreation activity in the winter months, and we have a school program during evening hours.

VOICE. He has a choice of the areas to go to after he finishes his nighttime meal?

MR. PICKETT. Yes, sir.

VOICE. And he is allowed to go by himself, or does he have to go with a guard?

MR. PICKETT. No. There is free movement.

This is the bakery.

Again, food preparation. I think there are some hotcakes there.

This is the dining room. You note the steamtables, the food; the inmate goes through cafeteria style.

This is another view of the dining room.

That is the outside recreation area. Those tables are used for card-playing.

This is the tennis court; the tables you saw in the preceding picture.

This is the gym, auditorium, used as an auditorium and a gym.

Another picture outside. There is a miniature golf course. And a handball court.

This is leathercraft. They make purses, billfolds, and other leathercraft articles.

This is our receiving and discharge area. An inmate being released goes to this area and selects the clothing he will wear when released. There you can see where he picks out a suit.

That is it, sir.

(End of slides.)

The CHAIRMAN. Do you have a procedure to allow inmates to go home in case of illness, or get leave for one reason or another, and go out and hold down jobs; anything of that nature?

Mr. PICKETT. Yes; in case of illness or death. We have no one on work release from Marion at this time. We just opened the outside camp, October 18, and we have 86 minimum custody men that actually do the maintaining of the grounds, landscaping, the garage, the powerhouse, the storeroom, and work in the administration building.

The CHAIRMAN. Have you had any escapes from the maximum security part of the prison?

Mr. PICKETT. Yes, sir.

The CHAIRMAN. How did they get out?

Mr. PICKETT. They climbed over the fence.

The CHAIRMAN. Well, I thought that fence was 12 feet high?

Mr. PICKETT. Actually, this was a diversion tactic. You saw the No. 6 tower—that is where they went over, between the message center and No. 6 tower. There were five who hit the fence, and one got over and was apprehended just shortly south of the institution parking lot, and the other one went over the fence directly under the tower and was apprehended; I believe it was 3 days later.

The CHAIRMAN. Don't you have lights all around the fence?

Mr. PICKETT. This was in the daytime.

The CHAIRMAN. Do you have any figures to show the number of people who commit crimes after they are released from that institution?

Mr. PICKETT. No, sir. As Director Carlson explained, we are just now working on research in this area.

The CHAIRMAN. How much does it cost to maintain a man in this institution?

Mr. PICKETT. Roughly, \$20 per day. Approximately \$7,000 per year.

Mr. PHILLIPS. What was your construction cost per unit initially?

Mr. PICKETT. The initial construction?

Mr. PHILLIPS. Yes.

Mr. PICKETT. Just over \$10 million.

Mr. PHILLIPS. Would you break that down? What would be the per unit cost in relation to the number of inmates?

Mr. PICKETT. Five hundred and twenty-five was the optimum population that we had.

Mr. PHILLIPS. You said it was \$10 million?

Mr. PICKETT. Yes, sir.

Mr. PHILLIPS. Could you tell me what the complaint procedure is? How can a prisoner air a complaint for a grievance, if he has one, about food, or mail, or visiting, or anything of that nature?

Mr. PICKETT. The man may submit a request to the caseworker, department head, or the associate warden, and he is placed on callout, and the complaint is discussed. It is resolved or referred to the proper authority.

Mr. PHILLIPS. Do you get many complaints? Is the procedure working?

Mr. PICKETT. We always have complaints.

Mr. PHILLIPS. Do you think that the prisons are utilizing this technique? In the testimony we have had so far other jurisdictions have a procedure like that, but apparently the complaints are not getting through.

Mr. PICKETT. Well, we have had no problem.

Mr. PHILLIPS. Could you tell us what your costs for food per day is for each prisoner?

Mr. PICKETT. Food is roughly 77 cents.

Mr. PHILLIPS. 77 cents?

Mr. PICKETT. That is food alone. Total cost per man per day is \$1.36. But then everything included, salaries and what have you, it comes to approximately \$20.

Mr. PHILLIPS. The 77 cents, is that a diet prescribed by a dietitian? How do you arrive at the diet used by the prison?

Mr. PICKETT. Yes; the food administrator prepares the schedule for food. We have a food administrator and he has six assistants.

Mr. PHILLIPS. Is that standardized throughout the Federal system?

Mr. PICKETT. That is standardized, except for the medical center for Federal prisoners, they do have a dietitian.

Mr. PHILLIPS. One of the issues that has come up in prior testimony is the amount of shower facilities, personal hygiene facilities, that would be available to a particular inmate. Do you have any such problems?

Mr. PICKETT. No, sir.

Mr. PHILLIPS. How often do your men take a shower?

Mr. PICKETT. Every day.

Mr. PHILLIPS. One of the other issues we have talked about is the existence of agitators and things of that nature. I think your testimony previously related to the effect that you did have some agitators during that strike period; is that correct?

Mr. PICKETT. Yes; we did.

Mr. PHILLIPS. One of the suggestions that has been made by penologists is it might be a good idea to try to isolate these agitators in a separate institution or separate housing within an institution. Could you give us your views on that?

Mr. PICKETT. Yes. We did separate the eight that I mentioned. This was on Thursday morning, and on Monday morning they were interviewed and released.

Mr. PHILLIPS. You view these agitators as a continuing problem?

Mr. PICKETT. As I mentioned, we have not had any problem since.

The CHAIRMAN. Mr. Sandman?

Mr. SANDMAN. Thank you, Mr. Chairman.

Mr. Pickett, when was Marion built; do you know?

Mr. PICKETT. It was completed in 1963, or opened as a prison camp, and the double fence was built, and some of the painting, and then in 1964 it was designated as a penitentiary.

Mr. SANDMAN. What is your capacity there?

Mr. PICKETT. The capacity is 646. That includes segregation and hospital. So in other words, the optimum operation is 525.

Mr. SANDMAN. This prison was built under the Chicago wage rate, too, was it not?

Mr. PICKETT. Pardon me?

Mr. SANDMAN. I say the contractor who built Marion, Ill., penitentiary built it under the Chicago wage rate?

Mr. PICKETT. I believe that is right.

Mr. SANDMAN. Correct. My point is, at that time it was the highest wage rate in the United States. You do not have to answer that, but do you know whether or not it was built under that particular wage rate?

Mr. PICKETT. Well, I am not sure of that.

Mr. SANDMAN. You did say it cost \$10 million; right?

Mr. PICKETT. Yes, sir.

Mr. SANDMAN. All right.

Now, for the \$10 million, did you have a hospital included in that cost?

Mr. PICKETT. Yes, sir.

Mr. SANDMAN. You have a hospital there?

Mr. PICKETT. Right.

Mr. SANDMAN. Is the hospital included in the \$10 million?

Mr. PICKETT. Actually, the total cost was \$10.770 million.

Mr. SANDMAN. That included all of the auxiliary buildings, including the hospital?

Mr. PICKETT. Yes, sir.

Mr. SANDMAN. And how many beds in the hospital, if you know?

Mr. PICKETT. Fifteen beds.

Mr. SANDMAN. At the time Marion was first opened, where did you receive your inmates from?

Mr. PICKETT. Well, as I mentioned, it was opened as a prison camp and there were minimum custody people sent there. And when it was designated a penitentiary in 1964, there were men sent there, just as there are now, all over the Federal system.

Mr. SANDMAN. Didn't they come from Alcatraz?

Mr. PICKETT. I believe that the Director mentioned 25 to 30 came from Alcatraz.

Mr. SANDMAN. Now, the prisoners that you receive there now, do you receive them from other Federal prisons or do they come to Marion as they are first placed in detention after sentence?

Mr. PICKETT. No, sir. We have no direct commitments from court. As I mentioned, we have people there from 40 States. In other words, if a man is a problem in another institution and needs the controls that Marion has, he is transferred to Marion.

Mr. SANDMAN. What is the average sentence at Marion today?

Mr. PICKETT. 34 years.

Mr. SANDMAN. 34 years. That is tantamount to life; is it not?

Mr. PICKETT. Yes.

Mr. SANDMAN. Under that system, what is the earliest date that an individual can be considered for parole?

Mr. PICKETT. It depends on the sentence that he has, actually. Well, 15 years for life. In 15 years he is considered for parole.

Mr. SANDMAN. If the average sentence is 34 years, then everyone there must have been convicted of a felony or a capital offense: is that correct?

Mr. PICKETT. I believe that is correct; yes, sir.

Mr. SANDMAN. All right. How long have you been at this institution?

Mr. PICKETT. I came to—was transferred to—Marion in April of 1969.

Mr. SANDMAN. From the time the institution opened up to the present time, how many riots have they had there?

Mr. PICKETT. I am not aware of any riots. They have had some disturbances for which inmates have been locked up.

Mr. SANDMAN. Did you have any kind of a prisoner uprising there at any time since 1964?

Mr. PICKETT. I believe there was a disturbance in the dining room. I believe it was in 1965.

Mr. SANDMAN. And did anyone get injured?

Mr. PICKETT. Not seriously that I am aware of.

Mr. SANDMAN. Now, with all of these people that you have there, 646 capacity, how many are in there now?

Mr. PICKETT. Repeat that again, sir?

Mr. SANDMAN. How many inmates at Marion today?

Mr. PICKETT. When I left yesterday morning there were 522.

Mr. SANDMAN. Do you have a rehabilitation program there that keeps 522 busy?

Mr. PICKETT. Yes, sir. If a man so desires, he can become involved in some program in the institution.

Mr. SANDMAN. Do you have any complaints about lack of communication between the inmates and the officers?

Mr. PICKETT. No, sir. I think Marion has been a model institution, and I think the communication is the best in any institution I have worked.

Mr. SANDMAN. In your opinion, could this institution be doubled in size without losing any of its effectiveness?

Mr. PICKETT. No; I do not believe so. No, sir; I do not think so. I think 500 population is the ideal.

Mr. SANDMAN. In your view, this is more or less an ideal-size prison for what it is meant to do; is that correct?

Mr. PICKETT. Yes, sir.

Mr. SANDMAN. Thank you.

The CHAIRMAN. I know you have to go, don't you?

Mr. PICKETT. I sure do.

The CHAIRMAN. All right. We will excuse you then. I know you have to catch a plane.

Thank you very much, Mr. Pickett. We hope to visit your institution in the near future.

Mr. PICKETT. It will be a pleasure to have you visit.

The CHAIRMAN. Will Mr. Michael Callahan and Mr. Eddy Roberts please come to the table?

Mr. Edward F. Roberts is a former corrections officer at Raiford State Prison. He comes from a family that has a history of service in Florida correctional institutions. He was an officer at the Raiford Prison for 3½ years.

Mr. Roberts was a correction officer at Raiford at the time of the incidents of February 1971. He has testified before a special grand jury impaneled to hear charges of brutality in the suppression of the inmate insurrection, in the State attorney's office, and in the Federal court.

Mr. Michael T. Callahan was employed by the State of Florida as an English teacher at Raiford Prison for 1½ years. Mr. Callahan currently is a law student at the University of Florida in Gainesville.

Mr. Callahan instituted an art course while teaching at Raiford, and the course was rapidly accepted by the inmates but opposed by the administration of the prison. Mr. Callahan not only had inmates producing works of art, but had established an outlet in Gainesville where the paintings were sold for the benefit of the course and the inmates, and where the inmates themselves were being rewarded financially.

The course is no longer in existence. Mr. Callahan is interested in discussing in depth the failure of educational and rehabilitation programs in prisons, and plans to offer some possible solutions.

Mr. Roberts, would you care to go ahead with your statement?

STATEMENTS OF EDWARD F. ROBERTS, FORMER CORRECTIONAL OFFICER, RAIFORD STATE PRISON, FLORIDA; AND MICHAEL T. CALLAHAN, GAINESVILLE, FLA.

Mr. ROBERTS. I was employed at Raiford from June of 1968 until September of 1971. My father worked at Raiford. My uncle is a superintendent within the division of corrections, and my great-grandfather was a member of the Florida Legislature when Raiford was first built. I lived for some time at a road prison at Fort Myers, Fla. When I was 5 years old a prison trustee took me out of a burning house.

A guard at Raiford makes a starting salary of \$375 a month. The personnel officer has the discretion of beginning an employee as either a tower officer or as a correctional officer. There is a \$100-a-month difference in pay for the two jobs.

The majority of the correctional officers do not really like their jobs. Most work there only out of necessity. Most of the officers have other forms of income. Most farm tobacco; many are retired from the military.

When a man begins employment he undergoes a definite socialization process. You are told immediately that you never call an inmate "Mister" and you never say, "Yes, sir" to an inmate. In the next breath you are told that you must always require the inmate to call you "Mister" and say, "Yes, sir" and "No, sir" to you. You are told never to shake hands with an inmate and never to trust him. You are even warned quite frequently of the dangers of talking to inmates. You are told that you talk to an inmate only about official business—do this—don't do that—and you are forbidden to discuss anything else.

You are also socialized, mainly via peer-group pressure, to hate the convict. Shortly after I arrived at Raiford, a supervisor told me, "Mr. Roberts, before you are here 1 year you'll hate a convict worse than anything on earth."

An officer at Raiford is expected to feel that a convict is the lowest thing on earth. Early one morning in March of 1970, I came to work to find that one of the inmates assigned to my wing had committed suicide during the night. When the lieutenant told me this, he asked me, "You feel bad because he's dead?"

I answered, "Yes." The lieutenant replied, "Suppose I told you he was a ——— child molester. Would that make you feel better?"

This is the typical attitude of most, but not all, of the guards at Raiford. The sociologist, Talcott Parsons, described it as "affinal neutrality." A condition of not caring, a condition of nonconcern for the persons under your care. A similar situation exists in terminal wards of hospitals, as well as in Nazi concentration camps in World War II. It is definitely a factor to be dealt with in considering prison reform.

There are certain jobs for white inmates—certain jobs for blacks. You never see a black hospital nurse; neither do you ever see a white shoeshine boy or a white man on the swine truck. One of the first problems I had at Raiford was when I was assigned to death row.

Death row is very subtly segregated. The white inmates live in the front cells, the blacks in the rear. These men are let out every other night, one at a time, to take a shower. I was told immediately, you shower from front to rear. One officer told me blatantly, "You never shower a nigger before you shower a white man."

Another officer who worked with me was censured by a lieutenant one day while working the visiting park. He was told, "You can be polite, if you want to, but it's not necessary to say, 'Yes, ma'am,' to a nigger woman." There is a total absence of black culture or anything to promote black culture. To a great degree a large amount of the racial tension is perpetuated by the administration, that belief in the old attitude of divide and conquer.

I would like to see legislation enacted to prevent the further construction of institutions with a capacity of greater than 1,000 men. This should be coupled with the gradual phaseout of all the old 2,000-, 3,000-man institutions.

I would like to see prison inspectors taken from under the control of the division of corrections and made into a separate regulatory agency. During the sweep through the east unit last February, there were two division prison inspectors who witnessed the beating of the inmates and said nothing.

Raiford is located 35 miles from the University of Florida in Gainesville. It is inconceivable that such a simple matter as hair length keeps these two institutions apart. The University of Florida could provide Raiford with scores of sociology and psychology graduate students and Ph. D.'s to assist, free of charge, in rehabilitative programs. All prisons should be open to the academic community for both research and therapy.

I have confined my suggestions to a limited range, both due for a quest for brevity and relative expertise.

The CHAIRMAN. What happened, Mr. Roberts, when they had the violence at Raiford earlier? Was it this year?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. What happened?

Mr. ROBERTS. Basically, what happened, Mr. Pepper, was that the inmates had a work-hunger strike in the east unit. There was no violence, no hostages were seized the whole time I was there—and I was there all except for 2 days, the first 2 days of the strike—I never witnessed any violence by inmates directed toward anybody. Neither other inmates nor the correctional personnel.

The inmates were public relations conscious in this thing. It was simply a show for the State legislature. Prison officials met with the inmates and they negotiated a settlement. Everybody returned back to work, and for all practical purposes, I thought the matter was settled, until Tuesday.

The strike began on Thursday; Friday afternoon they reached an agreement.

That weekend things were fairly normal in the east unit. Monday the men returned to work. That Tuesday, at noon, the whistle sending the men back to work after they had eaten their noon meal, didn't blow. The gates of the institution opened and a 100-man riot squad came into the institution.

The CHAIRMAN. Did what?

Mr. ROBERTS. A riot squad of over 100 troops, highway patrol, prison guards, and Florida Marine Patrol, came into the east unit. They went from one wing to another and what they did, basically, they took all of the inmates off all three floors in the wing, put them in the bottom floor, pushed them up against the wall, pulled the men out of the group of men they wanted to pull, and beat them, both in front of the inmates, and beat them all across the bottom floor.

They beat them up the steps and forced them to run a gauntlet of officers, most of whom had billy clubs, until they finally got them to where they were locked up.

It was the most terrible thing I have ever seen in my life.

The CHAIRMAN. When did the shooting occur?

Mr. ROBERTS. I wasn't personally involved in that. That happened Friday in another side at the main prison. I was working in the east unit.

The CHAIRMAN. But you saw this episode that you described?

Mr. ROBERTS. Yes, sir; I saw it.

The CHAIRMAN. Was that the occasion of the Governor removing some of the authorities down there?

Mr. ROBERTS. Yes, sir. He suspended some officers for 10 days. And he gave two prison officials a written letter of reprimand, and one guard captain was fired, but not for this. He was fired for something that occurred over at the main prison.

The CHAIRMAN. And that is the only disciplinary action that was taken in respect to these beatings, this episode?

Mr. ROBERTS. Yes.

The CHAIRMAN. What is the attitude of inmates at Raiford? Did you hear Judge Kelly testify this morning?

Mr. ROBERTS. Yes, sir; I did.

The CHAIRMAN. Tell us what, in your opinion, is the attitude of the inmates there?

Mr. ROBERTS. The inmates—there is a terrible cold war; it is a three-way cold war, really. It exists between the inmates, the correctional officers, the correctional officers and the schoolteachers in each unit.

The CHAIRMAN. And the schoolteachers?

Mr. ROBERTS. Yes.

The CHAIRMAN. Do they dislike the schoolteachers?

Mr. ROBERTS. The correctional officers dislike the schoolteachers; yes.

The CHAIRMAN. The correctional officers, not the inmates?

Mr. ROBERTS. Not the inmates; no sir. The correctional officers.

The CHAIRMAN. The inmates have hostilities toward the administration authority and the correctional authority?

Mr. ROBERTS. The inmates' hostility is directed toward the correctional officer, not toward the schoolteacher. If you can imagine, the officers being in the middle and their hostility is directed both at the inmates and at the schoolteachers, you will get an accurate picture of it. Because there is just as much hostility between the correctional staff, the guards themselves, and the members of the schoolteachers, the academic staff in the prison, as there is hostility between the inmates and the guard staff per se.

The CHAIRMAN. What is the hostility toward the teachers attributable to?

Mr. ROBERTS. Well, the best way I can describe it is that Raiford is in Bradford County, Fla., and the county school system in Bradford County, Fla., is one of the worst in the State.

These officers see their kids go off every day to this bad school, this very poor educational system, in Bradford County, and at the same time they come to work every day and they see the State of Florida appropriating \$150,000 to educate inmates, and they don't exactly like this.

Also, there is an acute sentiment that exists among the guard staff at Raiford. They dislike anybody they consider an outsider, whether he is a schoolteacher, or anything like that. I think Mr. Callahan can give you a better example of that.

The CHAIRMAN. Do most of the correctional officials come from the area around about the prison?

Mr. ROBERTS. Yes, sir; most of them do. The ones that don't come from around that area are usually retired Navy people from Jacksonville. But the biggest majority of them were born and raised and grew up right around the prison, just like I did.

The CHAIRMAN. What did you say about the adequacy of the training, education, and vocational training programs there?

Mr. ROBERTS. For the inmates?

The CHAIRMAN. Yes.

Mr. ROBERTS. I can't by any stretch of the imagination think it is adequate. It is moving toward adequacy? The thing about it is you might have 20 inmates working in a shop learning a good trade, and at the same time 100 inmates working out on the farm cleaning out ditches.

But when there is a guided tour through the prison, they will take them to the vocational shop and show them where these inmates are there learning a good trade. They never say anything about the other 100 men out there cleaning out ditches.

They have good vocational procedures at Raiford, but they don't have enough inmates in them. They have a print shop at Raiford for something like 20-some men assigned there out of the prison population of over 3,000. So you can see what the other 2,900-some inmates are doing.

The CHAIRMAN. In an institution that large, do they all have recreation together, do they eat together? Are they ever thrown, generally, as a whole, together, the whole 3,000?

Mr. ROBERTS. Mr. Pepper, if I can direct you to the diagram. Raiford is really three prisons. It is the main prison, which is more or less a medium-security institution. Across the river, the New River, is the boundary between Union and Bradford Counties, and on the other side—can I go over there?

The CHAIRMAN. Please do.

(Witness proceeds to wall chart diagraming physical layout of Raiford Prison.)

Mr. ROBERTS. Raiford consists of three institutions. The main prison, or the "Rock," is located in Union County, and that is a complex area with three main parts. The first part is the main cellblock, which is known as the "Rock."

The flat top, which is the punishment area unit of the main prison at Raiford, the west unit, which is the dormitory-type housing area that houses inmates that work in the prison laundry.

The second part of the prison is the trustee area, which is known as the "O" unit, which is part of the east unit. The east unit is the maximum security section at Raiford. That is where you have located the worst criminals in the State of Florida, for all practical purposes.

It is a maximum security institution. It has double fences. It has dogs between the fences. Very mean dogs, by the way. It has closed-circuit television cameras. In a lot of ways, it is similar to the institution in Marion, Ill.

However, it is not nearly as nice as Marion, Ill., but it has similar security positions. From what I could tell by the slides that they showed, the security in the east unit is greater than the security at Marion, Ill.

The CHAIRMAN. Have they had any escapes from Raiford? From that maximum-security prison?

Mr. ROBERTS. Yes, sir; they have. Last year they had a man go over the fence, dogs and everything. When I first came to work there, they found a man who had cut through one fence and was cutting through the other fence and sitting there patting the dog on the top of the head. They have had escapes from there; yes, sir.

The CHAIRMAN. Are there any black guards at Raiford?

Mr. ROBERTS. No, sir. I haven't seen any. I understand there were three. The number usually ranges anywhere from two to seven black correctional officers that are supposed to be working there. But usually they don't work there long. They put them on the tower and they work on the tower 2 or 3 days, and then they leave. But on a day-to-

day basis, for all practical purposes, you can see the guard structure at Raiford is all white.

The CHAIRMAN. Is there a minimum-security part of this institution?

Mr. ROBERTS. Yes, sir. Right here [indicating]. This is the "O" unit. It used to be a maximum-security institution. It is designed as a maximum-security institution. They still have steel bars, still have everything. The only thing changed is there are new trustees in there.

The CHAIRMAN. How many people are there?

Mr. ROBERTS. In the "O" unit, you have a count of 280 to 305 men. The count at east unit is anywhere from 800 men to 1,100 men. And in the main prison, over the year it runs from 2,500 to 2,800 men.

The CHAIRMAN. Where was "Murph the Surf" the last time you saw him?

Mr. ROBERTS. Located on the "T" wing. That is where he was the last time I saw him. The last time I saw him he was crawling down the hall.

The CHAIRMAN. My last question is: Do you know the approximate number of people who are permitted to go out of that institution at Raiford, either to a junior college nearby or a program anywhere outside the prison?

Mr. ROBERTS. Mr. Pepper, what they do, they furnish the teachers from Lake City Junior College. From the junior college they come in and go down to the prison school here, and they teach here in the institution instead of the inmates going to Lake City Junior College. For all practical purposes, they bring Lake City Junior College to the institution.

The CHAIRMAN. Thank you very much.

Now, Mr. Callahan, would you tell us about your experience at Raiford, plus any other observations you care to make.

STATEMENT OF MICHAEL CALLAHAN

Mr. CALLAHAN. Thank you, Mr. Chairman, and members of the committee.

I think I will dispense with the formal statement I had prepared. There is a copy if you would like to read it.

A lot of what I had intended to say has been said here today already in one form or another.

There are a few things I would like to say about my particular association with Florida prisons, and also about some of the things that may be done that do not particularly require appropriations from this committee.

I taught in the prison system as an employee with the Division of Corrections of Florida for 18 months and I taught in the east unit in the maximum security prison. I was hired to teach English and science. This was from April 1, 1969, until September a year ago when I started law school.

Soon after I got there—one of my hobbies was painting—and I saw a need to occupy the men in their time in the evenings. One of the big problems, before I got into the art program, in the east unit is recreation. The men are not allowed to go outside if it is raining.

And Chairman Pepper knows in the summer in Florida, it rains every day. Sometimes between 3 p.m. and 6 p.m., almost every day. So there is very little recreation.

There was very little recreation allowed simply because every time it looks like it is going to rain, nobody goes outside. And in the winter, it gets dark around 5 o'clock, so there is no yard then.

At any rate, the east unit has a gym which is a relatively nice gym. It is inadequate for the number of people housed indoors. They have 800 or 900 men walking around the halls between the cells.

At any rate, there is very little recreation because of the physical outlay of the prison itself. You just have one gymnasium inside the prison and it is directly off the hallway where the men live. And with the amount of men going to the gym on an evening called for recreation, they completely cover the floor. They would just be standing there, lonely and far away.

So when they go to a basketball game, it is impossible unless it is a tournament.

And outside, there is a baseball diamond that has very little form of recreation at all.

The CHAIRMAN. There is a gymnasium at Raiford?

Mr. CALLAHAN. There is a gymnasium. Yes, sir; there is in east unit. There is none in the main prison which houses many more men.

Just to give you a small breakdown of how the men are counted in the east unit, there are several hundred men in the east unit who are in what they call "Max," the lockup wing. They are either there for punitive purposes, or what they call administrative segregation, which is usually where they take the men who come in for more serious crimes or crimes seeming offensive to the prison officials, and they put them in there initially for 24 hours a day for a period of 30 days, to perhaps a few years.

The CHAIRMAN. When are the inmates locked up for the night?

Mr. CALLAHAN. I believe 10 p.m.

Mr. ROBERTS. No; it is 7:30, or immediately after the main meal. The men come back from each unit, they go to the cellblock. They have about 30 minutes to get a shower, shave, and clothes changed. From that time on they have option to either the cell or the dayroom. But from 7:30 on, they are either locked in the cell or locked in the dayroom. And every 30 minutes on the half hour you may be released from the dayroom. You go there and open the dayroom door and holler that anybody who wants to come out, come out. And inmates who want to come out, come out, and the ones who want to stay, stay. The ones who do come out, you go and lock them in their cells. And how late they stay in the dayroom—on weekends they are allowed to stay there until 11 o'clock.

Mr. PHILLIPS. Is there television or other recreation facilities in the dayroom?

Mr. ROBERTS. Yes. They have one black and white TV and something like three tables. Of course, you have 96 men on your wing. It gets crowded there sometimes.

Mr. PHILLIPS. Do they play cards or checkers, or things of that nature?

Mr. ROBERTS. Yes, sir.

MR. CALLAHAN. About 2 or 3 months after I began working at the prison as a teacher, I decided to bring my hobby into the prison. So two evenings a week, I formed a group of inmates to paint, initially sketch, and later paint. I had a talk with the superintendent about it and he was extremely reluctant to let me do the program.

Eventually, I got permission. We didn't have supplies and were limited to sketching. We did agree to take 25 or 30 tough problem inmates, the toughest there were, the ones that were the biggest troublemakers, the ones that were self-mutilators, or got in fights with each other. I took them down in the school, from roughly 6 o'clock to 9 o'clock, 2 nights a week. We just shut the school off and worked down there with them alone. This program went on for a year and a half.

But one of the things that really did amaze me—and I think it did the prison officials—I did a study of the men I had initially. They had 108 disciplinary offenses.

A "DR" in the prison system is any offense you commit in the prison, administrative offenses, fighting, talking back to guards, anything will get you in the lockup. And every time you get one, you go back in the lockup. You get the dogfood, as was referred to this morning by Judge Kelly. You can stay in lockup anywhere from 15 days to several months.

We had 108 offenses among these 25-or-so men: and on an average of 4 years in prison each. During the first year that I had these fellows and worked with them, they had eight discipline offenses for the year and six were related to disputes that involved supplies for the cells, hanging paintings on the wall of the cell, or whether it should go under the bed or not, or whether they were tucking their supplies away in the proper place in the cell, and things of that nature.

MR. PHILLIPS. As I understand it, you say that the year prior to when they got involved in your program they had 108 infractions?

MR. CALLAHAN. Not that particular year. They had been there an average of 4 years each. So that would be slightly over 25, 26, 27—

MR. PHILLIPS. Twenty-five per year on the average prior to your program.

MR. CALLAHAN. Exactly 27 a year.

And the first year of the program, there were eight offenses and six of those were related to the supplies themselves.

MR. PHILLIPS. Essentially, there would be only two offenses in the group that had been previously averaging 27 a year?

MR. CALLAHAN. Yes, sir. I noticed a marked change in the attitude especially among some of the inmates who had been in the system for a great length of time, 8 to 10 years. I had a few of those in the class.

There was one particular inmate I remember, who had, Lord, I hate to think how many cuts on his body, maybe 400 or 500 cuts all over his body, all self-inflicted. A kid who started out in the prison system when he was 11 years old, in Florida. He is well known in Florida prisons. His name was "Tiger" Taylor. He is still there.

At any rate, this kid opened up. He didn't get in any trouble at all the entire year. I think the superintendent called me in a few times to comment on the fact he hadn't been in trouble.

I think the success of the program I had there had relatively little to do with painting. I think it could have been leather craft or anything that could occupy men, to think they were doing something

well to occupy their time. It is admittedly not a trade they can earn some money from when they get out of prison. It is something to maintain their time in the prison, to reduce their hostility, which is extremely high on the east units. Tensions are very high.

And it worked. I taught this program in connection with the Lake City Junior College while I was in law school the first term. And at Christmas last year, when I went in to teach a class, I believe it was Christmas Eve, they told me not to come back any more. The prison officials did. They wouldn't let me back in the east unit and wouldn't give a reason. And they never did give a reason to this day.

They told me they would communicate with the junior college and the junior college wouldn't interrupt the program. When, in fact, I contacted the president of the junior college myself just a few hours after, and he had no knowledge; neither did the program chairman over there. So the prison dropped it. At the junior college they said, if they don't want to see them, there is nothing much we can do.

So I haven't been back since and the program has not functioned since.

Mr. PHILLIPS. Wouldn't there be some appeal within the correction system in Florida if this was an arbitrary action taken by the local administration? The junior college could apply and say we have been doing some good work here and would like to continue it. Was that ever done?

Mr. CALLAHAN. I wrote the head of the health rehabilitation services there in charge of mental institutions and the prison system, Dr. Bax, who is now an official here in Washington. He refused to respond. I never got an answer from his office. The director didn't respond.

Mr. PHILLIPS. Was there any tension in the facility at that time? Can you give any possible reason why they would want to stop it?

Mr. CALLAHAN. I don't think they liked me. It is that simple.

There was one other thing I think capped off the prison officials and I don't mean to say it was really personal and mostly against me, in particular. The inmates began to sell some of the paintings through an outlet in Gainesville. I received approval from the superintendent to do it. It wasn't bringing in much money, but I thought it served a very good purpose, especially for the long term losers. They did not have any families, anybody to send them money or buy candies or the necessities of life, like shaving lotion or whatever they might need. It brought in a little money for them to do that and the prison officials informed me later, it was one of the excuses they gave, not directly, they told newsmen, I got word that way, that it was against State law.

I researched the title quickly. There is no State law preventing it.

Mr. PHILLIPS. If you had to place a legitimate grievance on behalf of the prisoners, what would you say their legitimate grievances were at the time of the disruptions that occurred in February, and subsequent? What complaints did you think were legitimate?

Mr. CALLAHAN. Well, it would be a comprehensive list. I suppose the major grievances I could think of offhand, given the nature of the facility and the fact that the physical plant wasn't capable of immediate improvement, taking that into account in the main prison, they had a dozen showerheads for thousands of men. There was no uniformity of parole procedures in Florida. Absolutely none. I saw men with many,

many years go out in a relatively short time and others do all of their time, with relatively no rhyme nor reason. No uniform maintenance. No classification system.

I might add, as far as I could tell, it was not spitefulness on the part of parole officials. They were simply undermanned. They had two or three people come in there to handle 100 cases sometimes, 50 cases, trying to establish parole. It was just a hopeless job.

Physically, the plant was in a disreputable state. The hospital was and still is, as far as I know.

There are men with serious illnesses in that hospital who lie there in 100-degree heat in the summer with no screening over windows. I personally have seen surgical instruments and needles in unsterile condition lying open in the summertime.

Typical cockroaches and bugs on the floors, literally dozens of men sometimes lying on cots in the hallways because of overcrowding.

Mr. PHILLIPS. In the hospital?

Mr. CALLAHAN. Right. On cots in the halls. I had one inmate in my art class—he was involved in a scuffle or fistfight and had his neck broken. He laid on the cot in the prison hospital for 3 weeks. I eventually interceded for him and got him down at the University Hospital at Gainesville. He had a broken neck. They put him in traction. He was there several months.

In the meantime, he was lying on the cot in the hospital hallway.

Mr. PHILLIPS. How about brutality? Was there day-to-day brutality used against inmates in the facility?

Mr. CALLAHAN. By the guards?

Mr. PHILLIPS. Yes.

Mr. CALLAHAN. I have no firsthand knowledge of the disturbances that went on, because I was not an employee there; only from what I heard at the Federal hearing in Jacksonville and the testimony you heard. The testimony was that there was a lot of brutality. As far as the day-to-day basis on the brutality situation, very little. But it goes on. I am sure it does. I have never observed it.

Mr. PHILLIPS. Thank you very much.

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Yes. I think the former officer was about to say something in answer to another question.

Mr. ROBERTS. Mr. Pepper, it is hard for a man in this day and age to believe brutality occurs in prison. When an inmate says he was beaten by an officer, it is a natural reaction for people not to believe this, to think that this man is either exaggerating or he is not telling the truth.

And when I came to Raiford, I thought, deep in my heart, that brutality, guard brutality, was something they quit 50 years ago. But a lot of the brutality, whereas they might not take a man and chain him to the wall and beat him with a whip, they will go out and what they call "bum rap" an inmate. That is, they will call up and say, "I want to lock up such and such an inmate; he just cursed me." And so they come down there and pick the man up and carry him down and put him in a punitive segregation cell, with nothing but a mattress on the floor, and make him eat this punitive diet for 30 days for something the man didn't do, just because an officer says, "This inmate cursed me."

A lot of times I have seen the officers get together and decide they were going to ride an inmate until they lock him up. They just decide he is a sorry so-and-so. I have seen black inmates placed on punitive segregation simply for saying they had had sexual intercourse with a white woman.

If there is nothing else you can lock an inmate up for, you can always lock him up for agitating, which is a pretty nebulous term, meaning almost anything.

If the officer has got it in for an inmate, he can go to the inmate's cell and take some article of personal property that belongs to the inmate, saying it was contraband.

This kind of action is perpetrated by the administration at Raiford. And an officer, the harder, the tougher he becomes, he gets the reputation of being a tough officer, or a mean officer, he then has a better chance of being promoted.

Most of the training at Raiford is the firing range, pistol team, judo classes, and things of that nature, not necessarily academic. And while there is not a whole lot of physical brutality, beating the inmates, there is certainly quite a bit of psychological brutality.

I have seen inmates being chewed out by a correction officer, when tears would actually come to their eyes, they wanted to talk back and they knew there was no way to talk back to that man because if they talked back to him they were going to punitive segregation.

And the physical brutality I have seen, I saw during the riot.

Mr. RANGEL. Mr. Roberts, you have had the opportunity to testify in front of the grand jury. What was the result of your testimony?

Mr. ROBERTS. Nothing. The grand jury decided they would not prosecute.

Mr. RANGEL. What were the facts and the circumstances surrounding your leaving Raiford?

Mr. ROBERTS. Well, shortly after my appearance at the Federal court in Jacksonville, I came back to Raiford and the day I returned I was presented with an employee's service rating. I have got a copy of it, if you would like to see it. It was derogatory, to say the least. It was pretty bad.

Immediately after the strike or riot, I was transferred to the trustee area in the "O" unit of the prison. I was prohibited from reentering the east unit. I was told I didn't work there, so I was to stay out of there.

After the Governor had suspended the 10 officers and officials, when these 10 officers returned to work, they took four of the seven officers and put them over there to work with me in the trustee area. Of the 10 men suspended only seven were guards. Of these seven guards, the four top-ranking ones were sent to the "O" unit. So Lieutenant Barton, Sergeant Manning, and these people whom I had accused in Federal court and before the grand jury of beating prisoners, were now my superiors and my supervisors and I had to work with these men.

I accepted that and I decided I could handle that. Then I began to be called before Lieutenant Griffis, an investigator, and I was censored for things that I considered minor and things if another officer had done I am certain he would not be called in to the major's office and questioned about. I was repeatedly asked by Lieutenant Griffis, "Why don't you resign? Don't you know we don't want you here? Don't you know

you are not welcome? Why do you want to work in a place where you are not welcome and where everybody dislikes you?"

I was called before the personnel officer. He told me there wasn't another correction officer at Raiford who wanted to work with me. They had lost all of their faith in me. And he said I had lost the respect of my fellow officers and said I had lost the respect of the inmates.

Finally, last September, I decided that was enough, you know. I fought it for something like 8 months and I decided that was enough. I wanted to go to the University of Florida anyway. I decided I would resign at Raiford to go to the University of Florida, which is what I did.

Mr. RANGEL. I think that you ought to be commended for having the courage to speak out against these inhumane, brutal acts that man has committed against each other in the institution in which you served. This is especially true in view of the fact not only of your training, but that of your background—I would like to wait until the chairman returns, because I think the committee owes some type of an apology to you, where they can see fit to listen to the judgments of those who talk about reform programs and not the administration.

Mr. ROBERTS. Mr. Rangel, I would like to say one thing. I worked at the maximum-security prison at Raiford. I had the worst inmates in the State of Florida there. But I loved my job and I looked forward to coming to work. I would like to go back in corrections work. I think there is a great need there. That was probably the greatest sacrifice I had to make, was by my action I knew forever I would probably never again be allowed to work in corrections work.

Mr. RANGEL. Mr. Chairman, I was apologizing to the witness because so many members that have listened to the judge and the variety of high officials testify about the reforms that they wanted. But I do not think in my career I have heard anybody that has been a member of the correctional staff come forward and take the risk and the gamble that this young man has, notwithstanding the fact they sent him back to work under the very same officers who were suspended as a result of their wrongdoing.

He has really gone to a grand jury and they rejected his attempt to correct that situation. The fact that our colleagues are not here makes it seem to me that if you can come to the U.S. Congress and your pleas for investigation are rejected, then certainly, no Congressman should be heard to say that people should not riot or at least die as men if, in fact, there is absolutely no attempt made to rehabilitate them or treat them as human beings.

So often we have heard this type of testimony coming from the prisoner. As you pointed out, no one wants to believe the prisoner; they would rather believe that in this country those types of atrocities cannot be committed. And it bothers me as a public official because I feel a part of the suppressors if I cannot in this high office attempt to correct some of these basic injustices that are being committed against the people who are both black and white.

So I hope that you will be able to draw the facts together as you have testified, and feel free to send them to this committee.

But Mr. Roberts has indicated a very strong desire, Mr. Chairman, to return to the type of work which his family has dedicated itself to. It seems to me that if we are going to allow racists and other people

to attack a decent person in a job which cries so loudly for people like him to be involved in rehabilitating people, we have failed.

So, again, I would like to extend the apologies of this committee to you, for not having more Congressmen here physically. But I want to assure you, and I am certain the chairman supports me, that your testimony is going to be widely circulated.

Do you know whether Federal funding goes to Raiford, Mr. Chairman?

Mr. BLOMMER. I am sure they get some.

Mr. RANGEL. It seems to me that if the taxpayers and the Congress have supported this type of conduct we could be indicted under our wartime statutes.

I think you committed a very courageous act, and I certainly hope response is received shortly from this committee.

Mr. ROBERTS. Thank you.

The CHAIRMAN. I want to commend my colleague for the very appropriate sentiments that he has expressed.

Were you discharged or suspended, Mr. Roberts?

Mr. ROBERTS. No, sir. I left mainly for two primary reasons. One, I wanted to further my education in sociology. Also, it just got to be just too much to put up with for \$475 a month, really.

Mr. RANGEL. Mr. Chairman, he has testified that after he described to the grand jury the atrocities that were being committed, he was assigned to one part of the institution where the men who had been suspended as a result of their wrongdoing were assigned to work as his superiors. So naturally, under a situation like that, all of his reports would indicate that he would not be the type of person they would want in that institution, and he left.

I am only surprised that he was able to leave without bodily harm.

The CHAIRMAN. I am very much interested in knowing all aspects of your experience. If there is anything you wish to write me personally, I would be very glad to receive it.

If you have made the fine record which you seem to indicate you have, and if there is any way this committee can be of help to you in finding employment in this critical field of the correctional officer, we would be very pleased to do so. Certainly, I would.

Mr. ROBERTS. Thank you, Mr. Pepper. But right now my main concern is finishing my education. I think that I can do more with a college degree, and I appreciate each and every one of your concerns with the kind words you have said to me.

The CHAIRMAN. It might well be you could get in the Federal system. I would suppose, generally speaking, the Federal system pays more.

Mr. ROBERTS. It does.

The CHAIRMAN. It is perhaps more desirable than a correctional officer in certain places. Have you made any effort to get in the Federal system?

Mr. ROBERTS. No, sir. Right now, my primary area of concern is getting a B.A. in sociology.

The CHAIRMAN. I commend you on that. That is a desirable thing to do.

Mr. ROBERTS. Thank you.

(Mr. Callahan's prepared statement follows:)

PREPARED STATEMENT OF MICHAEL T. CALLAHAN, FORMER VOCATIONAL INSTRUCTOR,
RAIFORD STATE PRISON, FLORIDA

Mr. Chairman and members of the committee, it is a privilege to address you. The prison facilities at Florida's largest prison complex at Raiford include three schools. The east unit school in the maximum security area which houses over 1,000 men maintains a strictly academic program for 1,100 inmates attempting to get a G.E.D., high school equivalency diploma. The other school in the main unit has a similar program as well as five workshops equipped by the funds provided in the Law Enforcement Administration Act. Other workshops in the prison include TV repair, horticulture, furniture refinishing, and a printing shop. A small school is maintained by one instructor in the "O" unit which houses several hundred minimum security inmates on the grounds. The other two schools mentioned are staffed by inmate instructors and 10 employees, certified to teach in Florida, in each school. Most of the other inmates who have jobs in the prison work in the auto tag plant, furniture factory, in maintenance, the laundry, culinary, or in the cement-block plant. The east unit maintains a tobacco shredding factory and a clothing factory, both of which turn out cigarettes and uniforms for institutions in the State.

While teaching in the east unit school, I started a voluntary art program which involved from 25 to 40 inmates in painting and sketching 2 nights a week. The prison funded the class with a few hundred dollars once in 18 months, and most of the supplies and books came from donations by interested people in the State, and by myself. I believe it is significant that when the program began, the superintendent and I agreed to take 25 problem inmates into the class.

The initial group had 108 disciplinary offenses among themselves in an average stay of 4 years. An inmate was then confined to a solitary cell for periods of from 15 to 90 days, on a diet of soup, with head shaved, no bed and no toilet, and only a weekly shower and one solid-food meal a week. Most showed drastic weight loss during the period. The diet on the program now has been increased to solid-food meals. During the first year of the art program, the "problem inmates" had received only eight disciplinary offenses, six of which involved disputes with the custodial personnel over art supplies in their cells. Most of the inmates in the class demonstrated a marked improvement in their daily attitudes and a reduction occurred in the incidence of fighting and self-mutilation, almost daily occurrences in the prison. The program I conducted had admittedly little value in providing the job training necessary to make most inmates employable upon release. The function it served in reducing personal hostility and merely giving a few inmates something to do with their time was directed at the environment within the prison.

The prison population at Raiford is at best unmanageable, and at its worst, a society of hopeless and sick men who spend much of their time in boredom preying upon each other for homosexual favors. The entire prison complex at Raiford currently has only one psychiatrist, one psychologist, and seven classification officers, who assign inmates to prison jobs and recommend parole, for a population of about 3,000 inmates. I have personally seen unsterilized needles and surgical instruments, open unscreened windows, crumbling plaster, and peeling paint in the prison hospital. Patients lie on cots in the crowded hallways, and a variety of drugs are easily acquired by inmates for sale to other inmates in the hospital. I would estimate the temperature in any patient's room on a hot summer day to be well over 100 degrees. Many of the inmates in the main unit are housed in cells 10 by 16 feet, in double and triple bunks, with eight or 10 men to a cell. At the time I worked at Raiford, 35 men were housed in some cells in an area equal to the floorspace of the superintendent's office. There is no regular segregation of the men in housing, or any work program according to age, crime, mental health, education, background, or need for training. Inmates in classes I taught in the maximum security prison ranged in age from 14 to 60.

It is my belief that our entire way of thinking must ultimately be changed with regard to the concept of imprisonment as punishment because I am convinced that in most cases the punishment of prison life, as I have seen it, increased the probability that a felon will commit another crime.

The emphasis in funding prison improvement projects should be placed upon institutions which house less than 400 or 500 men, and upon programs which teach job skills, maintain some social contacts with the community, and provide psychological counseling and psychiatric treatment. Virtually no job skills

are presently learned by inmates at Raiford. Those inmates who possess previously acquired skills are placed in the few shops that need their services, and all the shops except horticulture are engaged in the production of goods and services for the State by low-skilled labor. Only a few shops have instructors. The LEAA recently provided \$400,000 to Florida to set up equipment for seven skilled-instruction areas, yet today at Raiford, the equipment lies unused in all areas but a reading lab (which has an inmate instructor) because the Florida Legislature has provided no money for hiring instructors.

Florida's prisons are located in rural areas of the State where skilled personnel are hard to come by, even if salaries were raised to a competitive level. The east unit school has had nearly a 100 percent turnover in employees since I taught there in 1970, a figure nearly representative of the entire division of corrections in Florida. With a recognition that a prison will always be needed by the State to house those hopelessly sick and dangerous felons, the location of that facility need not be near an urban area. But attempting to improve prisons by funding programs in the already existing rural institutions is in many ways doomed to meet with little success. Sending men from a rural prison into the community on work-release programs is impractical because of the distance to job locations in urban areas. The medical, psychiatric, and social skills of persons located in the city cannot be acquired in rural areas. As well, the uneducated, unskilled, and underpaid custodial staff with the attendant fears and prejudices prevalent throughout the system will remain as long as prisons are rurally located.

Although I have not described the more lurid atmosphere of physical and sexual abuse of and by inmates, or the attendant atmosphere of hostility, frustration, and loneliness, the sketch presented from my experience in prison will hopefully reveal the nature and extent of the problems that exist.

Mr. RANGEL. Mr. Chairman, do you think the committee might consider viewing some of the conditions that exist in this penitentiary? Because it appears as though we have people in the hospital that may be dying due to the lack of treatment. And certainly brutality exists, which has been testified to here.

Perhaps we can get a more clear picture.

The CHAIRMAN. We will have further witnesses about Raiford tomorrow.

Mr. Callahan and Mr. Roberts, the committee wishes to thank you very much for your kindness in staying through the long day and giving us your valuable contribution.

The committee will adjourn until 9:45 tomorrow morning.

(Whereupon, at 5:45 p.m., the committee adjourned, to reconvene at 9:45 a.m., on Thursday, December 2, 1971.)

AMERICAN PRISONS IN TURMOIL

THURSDAY, DECEMBER 2, 1971

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,

Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 345, Cannon House Office Building, Hon. Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Brasco, Mann, Rangel, Wiggins, Steiger, Winn, and Keating.

Also present: Joseph A. Phillips, chief counsel; Michael W. Blommer, associate chief counsel; Christopher Nolde, associate counsel; and Leroy Bedell, hearings officer.

The CHAIRMAN. The committee will come to order, please.

This morning I am pleased to introduce Mr. Louie L. Wainwright, director of the Division of Corrections of the State of Florida. Prior to assuming his post in July 1962, Mr. Wainwright gained experience as a police officer, a chief correctional officer, an assistant superintendent, and a superintendent in Florida prisons.

Mr. Wainwright was born in Lawtey, Bradford County, Fla. He is 47 years of age, married to Edna Edwards of Lawtey, and they have three children: Louie, Jr., age 23; Sherry, age 21; and Michael, age 16.

Mr. Wainwright's career in corrections began when he joined the police department of the city of Gainesville in July 1947. He left that agency to accept employment with the Florida State Prison at Raiford in July 1952 as identification officer and rose to the rank of captain a year later, remaining in that capacity until April 1957.

In April of 1957, he was transferred to the newly established Avon Park Correctional Institution as assistant superintendent. In June of 1957, he was appointed acting superintendent of the Avon Park facility and in December of that same year he was promoted to superintendent.

His distinguished career as superintendent of Avon Park Correctional Institution continued until July 15, 1962, when he was appointed by the State cabinet to head the Florida Division of Corrections as director.

He actively participates in the following professional organizations.

1. Past president of the Association of State Correctional Administrators (1966-67).
2. Immediate president of the American Correctional Association, and is a life director of this organization.
3. Member of the National Wardens Association.
4. Member of the Southern States Correctional Association.
5. Member of the Correctional Industries Association.

6. Member of the Florida Peace Officers' Association; president in 1965-66.

7. Chairman, board of directors for the Southeastern Correctional and Criminological Research Center, Florida State University.

8. Member of the Governor's Council on Criminal Justice.

9. F. & A.M.; Scottish Rite, 32d Degree; Tallahassee Shrine Club, and Order of the Eastern Star.

Mr. Wainwright is an honorary member of the Florida State University Chapter of the International Social Science Honor Society Delta Tau Kappa, which in June 1968 presented him with a plaque citing his "distinguished work in the field of social science."

He was also a recipient of an award presented by the Florida Correctional Association in 1971 citing him for his "valuable contributions to the field of corrections, criminology and law enforcement."

He was a member of the Rotary Club of Avon Park from 1958 to 1962, and was an active worker in Boy Scouts of America while at Avon Park. In 1962, he was a recipient of an award for "Outstanding Service to Scouting and Rotary."

He has served as one of three consultants nominated by the American Correctional Association to study and recommend improvements in the State correctional systems of Louisiana, Virginia, and Alabama.

Mr. Wainwright has and is serving on various committees appointed by the Governor. He formerly served on the President's Joint Commission on Correctional Manpower and Training as "Resource Person."

He attended Florida State University where he received his certificate in corrections. He also attended an institute in executive development for correctional system administrators at the Center for Advanced Study in Organization Science at the University of Wisconsin. He has attended special seminars at the University of Maryland, University of Georgia, and other locations. He has also received a number of certificates for satisfactory completion of work accomplished in various seminars specializing in criminology, law enforcement, and corrections.

He served in the U.S. Navy during World War II.

Mr. Wainwright and his family are active members of the Thomasville Road Baptist Church of Tallahassee.

As director of Florida's prisons, Mr. Wainwright has supervision over 2,100 employees and 9,500 inmates assigned to six correctional institutions, a reception and medical center, 22 small facilities, and the main prison at Raiford where 3,000 or nearly a third of Florida's prisoners are sent.

Mr. Wainwright is known nationally for his progressive prison philosophy and has succeeded in instituting innovative and imaginative programs at many of Florida's correctional centers.

With Mr. Wainwright this morning is Maj. I. C. McKenzie, chief correctional officer of the Florida State Prison at Raiford. As a captain in the Florida National Guard, Major McKenzie is responsible for the National Guard riot control training program throughout the State of Florida.

It is a pleasure to have Mr. Wainwright and Mr. McKenzie appear before the committee today.

I will say to you, gentlemen, that this committee, as you know, is the House Select Committee on Crime. We are not interested in correc-

tional institutions, as such, except what they do as it relates to the problem of crime, either to deterring crime on the part of those outside who have never been in a correctional institution, or encouraging crime on the part of the people who are in the institution.

One of the assignments of our committee is the subject of treatment and rehabilitation of persons convicted of crime. We are not interested in criticizing anybody or getting outside our domain. We are interested in the relationship of your institution to the crime problem in Florida, where we have a lot of it. So keep that in mind, please, in the statement that you make.

The CHAIRMAN. Mr. Wainwright, I believe you have a statement to present.

STATEMENT OF LOUIE L. WAINWRIGHT, DIRECTOR, FLORIDA DIVISION OF CORRECTIONS; ACCOMPANIED BY MAJ. I. C. MCKENZIE, CHIEF CORRECTIONAL OFFICER, RAIFORD STATE PRISON, FLA.

Mr. WAINWRIGHT. Thank you, Mr. Chairman and members of the committee. It is indeed an honor to appear before you in an attempt to explain some of the problems facing the field of corrections. My comments will be directed toward our programs, problem areas, and plans for the future in Florida.

The Florida Division of Corrections is composed of over 9,500 convicted felons and 2,100 employees located in a State prison, six correctional institutions, a reception and medical center, and 22 small facilities through the State. The size of the institutions range from small 60-man facilities to a 3,000-man prison.

We have some of the newest and most modern correctional institutions in the Nation, and we also have one of the largest, most overcrowded, and most difficult to manage institutions in the Nation. As you might anticipate, custody and security range from minimum to maximum.

We find that our inmate population is steadily shifting to a younger, more demanding group—some of whom feel they are political prisoners—which requires new approaches in treatment programs.

The inmate population averages 24 years of age. Of these, 61 percent can be classified as culturally and/or economically disadvantaged; 61 percent are first offenders; 80 percent have less than high school education, with 40 percent below the ninth grade; 72 percent have been either habitually unemployed or underemployed, and 40 percent show no evidence of marketable job skills; 51 percent are black and 49 percent are white; and one of five inmates received has a drug-related problem.

I believe the goal of corrections is to evaluate and determine the deficiencies of those committed to our custody and then to utilize every method possible to correct those deficiencies, whether they be physical, mental, medical, or otherwise, in order to return the offender to society as a taxpaying, law-abiding citizen.

If all conditions were ideal, it would be a tremendous task to provide a treatment program for the inmates that I just described, who have failed in nearly all aspects of life. They have failed in the public schools, churches, employment, home, and marriage. To bring about a

constructive change in attitude in a few short months or years is a mammoth undertaking.

Unfortunately, conditions are not ideal. Therefore, the majority of staff time is spent "trying to keep the ship afloat" rather than "sailing toward our goal."

The greatest single problem is overcrowdedness in our institutions. I mentioned earlier that we had over 9,500 inmates—our constructed bed capacity is 8,198, which is 1,302 less than our actual capacity.

During the past 5 years, the population has increased by 2,000, with 743 of these being in the last 16 months. At this current rate of growth, we can anticipate an additional 3,700 inmates during the next 5 years. Any time you increase an institution's count above that for which it was constructed, you reduce the effectiveness of rehabilitative programs.

The second most important problem area is that of staff salary and employment turnover. We have a 30-percent annual turnover of employees, mostly in the correctional officer rank. Our tower officers must start at \$364 a month, and our correctional officers must start at \$465 a month, which ranks very low or about 30th in the 50 State correctional systems.

Incidentally, we are paying our correctional officers a lower salary than the zookeepers are making in the city of Miami, and the correctional officers are dealing with people with problems.

It is on the average \$1,000 a year lower than other law enforcement agencies in Florida. Just about the time a man is trained and at the point of becoming effective, he leaves us for employment in city, county, or State law enforcement. Correctional officers are the single most important influence on inmates, yet our pleas have been unheard through the years for higher correctional officer salaries comparable to other law enforcement officers and, of course, other law enforcement endeavors.

We strongly encourage our staff to advance their education and training so that our inmate rehabilitation program will be strengthened.

I would like to tell you a little bit about what our staff is doing.

Our personnel training academy consists of a 5-week, 200-hour basic training course. Since our LEAA request for staffing funds has been held up for nearly 2 years, we operate this academy by pulling key personnel off their assigned duties to serve as instructors.

The CHAIRMAN. Will you at some later place in your statement tell what Federal aid you are now getting?

Mr. WAINWRIGHT. Yes, sir.

Over 500 employees are enrolled in Florida community college programs and most will be receiving the associate of arts degree in the next few years. No increase in salary can be given for improved education. We would recommend that a type of incentive pay be given when improvements are made.

Over 300 employees are enrolled in an extension program from a major university. This program emphasizes improvement in vocational education.

We continuously take advantage of workshops and institutes such as the 3-week institute for 50 of our correctional educators at a major

university and the frequent offerings of the LEAA-funded Southern Correctional Training Institute in Georgia.

One of our most recent efforts in the area of personnel and training has been to make an all-out recruitment drive to employ those persons from black and other racial minority groups. We are already seeing significant gains.

Last weekend we had 140 of our key personnel from throughout the State in a 2-day seminar in Tallahassee, and 4 hours of that were devoted to the sole topic of black views of the correctional process.

We had Bennett Cooper, director of corrections in Ohio, and a black man, and other key black people on that panel, after which we had reaction from some of our black staff members and also some of the other staff members.

There are presently 70 minority employees as compared to 35 a year ago.

The CHAIRMAN. How many total employees do you have?

Mr. WAINWRIGHT. 2,100.

The CHAIRMAN. Do you know what percentage the black population to the white population is in Florida?

Mr. WAINWRIGHT. Fifty-one percent are black and 49 percent white.

The CHAIRMAN. That is the prison population.

Mr. WAINWRIGHT. Civilian population? Eighty-five percent white and 15 percent black.

The CHAIRMAN. And you have 70 black employees. Seventy is not anything like 15 percent of 2,100; is it?

Mr. WAINWRIGHT. No, sir. It is about 3 percent.

The CHAIRMAN. Why is it you have no more black employees? We have a lot of black people in Florida who have graduated from high schools, colleges, and universities. Why is it you haven't been able to find more black people to employ?

Mr. WAINWRIGHT. We are trying to find that answer. We have a special recruitment drive to employ from blacks and other racial minorities, which has been going on for the last 4 months. We expect to continue it. That was the reason for our devoting the 4 hours of our seminar to this particular question.

Mr. Cooper, who I mentioned is black director of Ohio, is having the exact same problem of trying to get more blacks into the system. His feeling is that one of the reasons is they relate an institution to the establishment and, of course, they are not at this time anxious to respond to being a part of the establishment.

We are hoping to overcome that as we go along.

As I said, there are 70 employed now as compared to 35 a year ago. Even though this is a small number, it is our hope that in a short period of time the ratio will be much closer to that of the inmate population. Also, eight ex-offenders are employed in key positions.

In the area of inmate treatment, it must be noted that most inmates received by corrections are in need of medical and dental services. In addition, psychological and psychiatric services are very necessary in the overall rehabilitation effort. Regrettably, it is recognized that the area of medical services is one of the weakest because of the lack of support positions, facilities, and adequate funds to equip, maintain, and support the program. It may come as a surprise to many people, but we

were all aware of the conditions of our medical program prior to the investigation by the news media during the summer of 1970.

The record will also reflect that my 1970 budget submitted in February of that year placed the medical deficiencies as our number one priority. Funds were not appropriated that year, and I again made a strong plea on a complete study by a nationally known medical consultant and the 1971 legislature appropriated \$800,000 for improvement of the medical program.

We are in the process of carrying that out now. With this we expect to improve such services as our single psychiatrist for 9,500 inmates.

The education program for inmates has made great strides in recent years. In 1968, during a special legislative session on education, we were able to increase our education staff from 34 to 134. They are certified in the same manner as teachers in the public schools. Since then it has grown to 170. The academic program covers grades one through junior college with present enrollment near 3,400. Last year, over 700 graduated from high school.

The big problem area is providing adequate vocational education programs. Vocational education in corrections—in Florida as well as most other States—has traditionally been on-job training in conjunction with prison industry and maintenance.

Through the results of a 3-year manpower development training program at one of our institutions, we have only been successful in getting MDTA funds for one institution—we realized that a full-time, concentrated approach to vocational education is more desirable.

We have developed a vocational plan that, when and if implemented, will allow 1,000 inmates to learn a vocational skill each year in a school-centered program. The graduates of this program would then be assigned to on-the-job training within the institution for work experience, prior to parole or release.

Our efforts during the last legislature to expand and implement this program were denied. It also appears that the federally funded MDTA project will be terminated after this year. We had followup on 100 inmates who were in that program and returned to the community at the Appalachia Institution, and at the end of 12 months, 31 percent were still on the job. Yet, MDTA will not continue the program. It is very frustrating for the staff and inmates to feel that a program is needed but implementation is not possible because funds are cut off or not available.

The recreation programs are supervised by nine specialists and the institution libraries are administered by nine qualified librarians. To my knowledge, Florida is the only State authorized a qualified librarian in each of its major institutions.

The CHAIRMAN. Is it permissible for inmates to bring books from the library into their cells and read in their cells?

Mr. WAINWRIGHT. Yes, sir. We encourage that.

The CHAIRMAN. How much time do the inmates, on the average, spend in their cells at Raiford? What percentage of their time?

Mr. WAINWRIGHT. About 50 percent of their time.

The CHAIRMAN. Please continue.

Mr. WAINWRIGHT. With these two programs being in such great demand by the inmates, it has been almost impossible to provide sufficient books, equipment and supplies in leisure time areas.

During the past year we have converted from the traditional one classification committee and one disciplinary committee per institution to several small classification teams.

The CHAIRMAN. I don't know whether you know it or not, because I didn't find out about it until one of the schools in my district had a fire and it destroyed their library, but the Library of Congress has a good many surplus books. You can write directly to the Library of Congress. I imagine they would furnish them to you. You are a public institution. You could come up there and pick them out. You might get a good many surplus books from the Library of Congress.

Mr. WAINWRIGHT. We are budgeting at the present time \$10 per year, per inmate, for library books, which is what the American Correctional Association recommends.

The CHAIRMAN. All right.

Mr. WAINWRIGHT. These teams are composed of four or five staff members who meet with the inmate and together they establish constructive goals for the future. The team members are available for counseling when needed and they have a much better appreciation of the inmate's problem. This team also handles any disciplinary problems which might arise. Because of the team approach there is a trend toward reduction of disciplinary cases. This is an excellent program. However, it is being conducted at the expense of other programs since neither additional staff nor funds were made available.

Services to inmates have been extended through the cooperative effort of other agencies such as vocational rehabilitation and family services. We find that many of the inmates concerns and questions are being answered now that a counselor from the division of family services has an office at our reception center.

Some of the greatest concerns to an inmate upon arrival at our reception center deals with his family and what will happen to them. It is reassuring when the inmate can talk to someone in a position to assist his family.

The division of vocational rehabilitation has and is offering excellent services through their full-time counselors and work evaluators at our institutions. In addition to the counseling service provided during the incarceration period, there is followup treatment upon return to the community.

Last spring, our legislature extended the work release law from 6 to 12 months. This program started in 1968 and is now rapidly moving forward.

The CHAIRMAN. What do you mean by that?

Mr. WAINWRIGHT. Prior to the last session of the legislature a man was eligible for work release only during the last 6 months of his sentence.

The CHAIRMAN. Now he is eligible during the last 12 months?

Mr. WAINWRIGHT. Yes.

This is one of the finest programs to come along in corrections in many years. During the last year of a person's sentence he may be assigned to an institution near his home and leave the confines of the institution during the day for the purpose of employment or schooling.

During October, 701 inmates were on work release in Florida. They are employed by the State, private business, and industry. Since this

venture started on July 1, 1968, over 4,000 inmates have participated and have collectively earned \$23 $\frac{3}{4}$ million. In addition to paying taxes, social security, subsistence to the State, and so forth, they were able to save nearly \$1 million for their reentry into society.

The fact that most of our institutions are located in rural areas while most inmates come from urban areas presents a real problem in implementing a work-release program. The ideal situation is to place the inmate on the job he will retain after his release. So we have developed the concept of community correctional centers.

These centers are small facilities, usually housing 50 to 60 inmates, located in urban areas which serve as a base for work-release and prerelease activities. Two centers were opened during this past year, one in Jacksonville and one in Atlanta.

Last year the Florida Legislature approved construction of 14 additional community correctional centers with a bed capacity of 784, utilizing LEAA funds. To date, because of a series of delays in funding, none of these centers has been opened.

Another important bill passed by the 1971 legislature was a furlough program allowing inmates, considered to be minimum escape risks, to be furloughed for compelling reasons or to aid in the rehabilitation progress.

From October 15, 1971, when the furlough program was implemented through November 24, 667 furloughs were issued to inmates. It is gratifying to note that all abided by the conditions of the furlough and returned to our custody at the scheduled time.

Because of the number of young inmates coming to our division with drug-related problems, the 1971 legislature authorized a staff of nine drug counselors to work with that segment of the population. Many of these inmates should not be in prison at all, but should be in a properly programed and staffed drug treatment center on a full-time basis. Prison is just not the answer. But these people have committed a crime. In most cases, the judge has no alternative other than prison, due to the lack of drug treatment centers.

Florida is one of a few States that still maintains a road prison system where inmates work on the public highways. I have no objection to the man working for the department of transportation. I do object to the type of work performed, much of which is hand labor, largely by offenders who should be in other work programs. Treatment programs must be provided during evening hours and on weekends. They cannot be as concentrated as they should be.

In 1968, we were able to phase out 13 old wooden road prisons, leaving 19 modern facilities. I have been unsuccessful in my efforts to convert the remaining facilities to small correctional facilities, because of a lack of funds. However, that doesn't mean we won't continue to try. Plans have been developed for them to be converted to specialized institutions such as extensions of a junior college, mental retardation centers, and vocation centers. Their small size of 60 to 70 men provides an excellent atmosphere for treatment.

Every program needs continued evaluation, and I feel so strongly about this that I pushed my staff so that Florida was the first State in the Nation to do a systemwide study using the American Correctional Association self-evaluation project in 1969. I am most anxious

for the American Correctional Association to finalize their corrections accreditation program so that Florida can seek accreditation.

In closing, I would like to tell you what I see in the future for corrections. This future is brighter than the past, from my vantage point, because I can see where we were 20 years ago. I view the changes which have taken place as the reflection of a changing society.

While the public offender is still not a sympathetic cause which elicits great public support, and while very often we have instead a public reaction against the offender, I, nevertheless, can see society changing. Indeed, society may very well have to change and subscribe to the idea of rehabilitation as a matter of survival. We simply cannot continue to tolerate the high number of persons who return to a life of crime.

The future of corrections could be bright if we could solve some of the problems I have mentioned today.

The trend of working with the offender in the community where he will be residing should continue. Presently, most of our effort is spent working with the inmate alone, inside the unfamiliar and unnatural habitat of an institution.

After his release, he returns to the same family, friends, and environment where he was when he got into trouble, and all of the progress which might have been made can be completely undone very quickly.

We must work with the family and the environment at the same time we are working with the inmate. As soon as it can safely be done, we must try to reintegrate the inmate into what will hopefully be an improved family, employment, and home situation.

In order to accomplish our goals, we need the help of an enlightened public. Many problems such as sentencing, staffing, funding, and facilities are not under our control, and public support is needed to solve these. Many of the new concepts which hold great promise for the future rely upon public understanding and approval. The public must understand that the best protection to them is to return law-abiding citizens rather than lawbreakers to their community.

I very much appreciate being invited to be with you today.

The CHAIRMAN. You pretty well summarized the problem that people in correctional institutions have in the beginning of your statement when you told about who the people in your institutions are. The average age is under 24 years. Of these, 61 percent can be classified as culturally or economically disadvantaged, 61 percent are first offenders, 80 percent have less than a high school education.

Incidentally, we found that very same figure at Attica, where 80 percent were school dropouts, 40 percent were below the ninth grade, 72 percent had been either habitually unemployed or underemployed, 40 percent showed no evidence of marketable job skills, and 51 percent were black and 49 percent were white. One of five had a drug-related problem.

There is no excuse for a person who is poor or who has any of these other disadvantages committing a crime, but the fact is that most of the crime is committed in those segments of our population, is it not?

Mr. WAINWRIGHT. That is correct.

The CHAIRMAN. For you to be expected to turn them all out as good, intelligent, well-educated, well-trained citizens in the institutions in which they are confined is quite a responsibility, quite an obligation.

Mr. WAINWRIGHT. Yes, sir.

The CHAIRMAN. Yet, you do realize that society is interested in those people not committing crimes after they get out. Along with punishment, they do want you to do what you can to rehabilitate them so they will not become a part of the criminal class or be back in your institution at an early date.

Incidentally, do you know the rate of recidivism from institutions in Florida?

Mr. WAINWRIGHT. Mr. Chairman, the rate of people leaving the Florida system and returning to the Florida system is about 23 percent. But that doesn't mean that that is the true recidivism rate. We do not have the true recidivism rate; no, sir. We do know that 61 percent are first offenders.

The CHAIRMAN. Sixty-one percent are first offenders.

Mr. Steiger wants to ask a question.

Mr. STEIGER. You say that is not the true recidivism rate. You say 61 percent are first offenders, 23 percent are people who have been in the system and have returned. That gives you 84 percent. The other 16 percent are second offenders from some other system?

Mr. WAINWRIGHT. The reason the 23 percent is not a true recidivism rate is we only have knowledge of those which return to our system. We don't have knowledge of those who commit crimes in other States and are committed to other systems. We have been unable to get the necessary information from the FBI files to make true recidivism studies.

Mr. STEIGER. Thank you.

The CHAIRMAN. Mr. Wainwright, we all recognize the tremendous obligation and tremendous burden of trying to protect all these people. But you can treat them fairly when they are in an institution, you can treat them with respect, you can see that they are not beaten by the guards and that your disciplinary measures are reasonable; can you not?

Mr. WAINWRIGHT. Yes, sir.

The CHAIRMAN. We had two witnesses yesterday testify that they had seen inmates in the Florida correctional institutions beaten by the guards. Is that true?

Mr. WAINWRIGHT. Our policy is that if any time force is used a force report must be made regardless of what the force is and what the cause is. In the specific case which I assume was referred to yesterday, I am sure that force beyond that which is authorized was used. If they were referring to the instance in the flat top during the month of February 1971; yes, there was force used beyond reason, beyond which is authorized for our division, beyond which we tolerate, and proper action is being taken in those cases.

The CHAIRMAN. Are you talking about the beating or the shooting?

Mr. WAINWRIGHT. I am talking about the beating.

The CHAIRMAN. Was disciplinary action taken against the guards responsible for the use of that excess force?

Mr. WAINWRIGHT. There has been one officer fired and seven officers suspended with loss of pay.

The CHAIRMAN. Have you, as the head of the institution, laid down a policy that you simply will not tolerate the use of excessive force or

ill treatment against the inmates on the part of the employees, and if they do they will be fired or punished?

Mr. WAINWRIGHT. Yes, sir. There is a very firm policy laid down and it has been laid down for some time. In fact, the Florida statute speaks to that particular issue. Any employee who is guilty of corporal punishment is to be fired and never rehired by the division.

There are definite guidelines for the use of force in our division.

The CHAIRMAN. What about the shooting episode that we heard of, where inmates were shot by guards with shotguns, using either bird-shot or buckshot, some sort of shot? Some 40 people were injured. I believe, I read that in the paper. Did that occur?

Mr. WAINWRIGHT. It did occur; yes, sir.

The CHAIRMAN. What were the circumstances of that?

Mr. WAINWRIGHT. This goes back to the disturbance we had in February of this year. The beginning of the disturbance occurred in what is referred to as the east unit of the Florida State Prison, which is the lower right-hand unit of that system. To describe that just a little bit, the Florida State Prison at that time had in excess of 3,500 inmates, which is 1,000 more than should have been housed there to start with. The lower right-hand group of housing facilities houses 1,200—

The CHAIRMAN. Is it the lower group or the upper group?

Mr. WAINWRIGHT. This is what we refer to as the east unit of the Florida State Prison (indicating on chart). There are 1,208 single cells in this building. This is the maximum security wing.

This is what we refer to as the main prison. In this institution at that time we had some 2,600 inmates, with the other 1,200 over here in maximum security, or 2,400 and 1,200. Well, we had over 3,500.

Our problem started in this unit, the east unit. It started out to be a peaceful sitdown strike, which it was in the beginning.

We were in Palm Beach at a meeting, a legislative committee meeting, Senator Meyers' committee, discussing prison conditions and giving our recommendations for what we needed in corrections when we were notified of the disturbance here.

There was no disturbance. They just refused to eat and refused to work. This was on Thursday. I had the superintendent return to the institution and talk to the men. The list of grievances they had—I didn't bring the list with me, but I can tell you most of them. One was they wanted incentive pay for work. Most of the other grievances, such as criticism of the parole board, parole interviews, such as no black officers, and several others—overcrowded conditions—and they indicated the food was sufficient but not properly prepared—all of the things that they discussed, with the exception of the incentive pay, were exactly the same list or almost exactly the same list that we had discussed with the committee that very same day.

The superintendent talked to them and he showed them where we attempted to get this same information before the committee. They did not return to work on Thursday. On late Thursday, I returned and on Friday morning we talked with this group in this east wing. At that time, the people in the other unit were continuing operations.

This was a well-organized, well-planned, well-thought-out, published demonstration over here. There was no violence, no disturbance. They just wouldn't eat and wouldn't work.

Beginning at 10 o'clock on Friday morning of February 12, they had four people who they wanted to select as spokesmen. I declined to talk to the four people, or the superintendent and I did, but we summoned two people from each of the eight working wings which would give us representation on each wing, plus the four people who designated themselves as the leaders, and we talked to that group, which made 20 inmates in this building.

I made the same presentation to them in this discussion that I had made to the legislative committee the day before, using the slides, using the exact terminology, telling them that we were concerned about the inequity in sentencing, about the lack of parole activity, about the lack of interviews by the parole commission, about the overcrowded conditions in our institutions, about the lack of vocational training, and several of the other things.

At the end of this meeting they agreed that they would return to normal activity, normal work.

There was one other complaint. They said we were not giving them black cosmetics in the canteen. This was reviewed and we told them we would provide the same degree of black cosmetics that we would for whites, that we were not making any distinction between the colors.

Some of these Afro combs and some of this stuff is fairly new and I guess our people hadn't reviewed them. Anyway, we agreed to correct the canteen situation.

Incidentally, we had two news reporters in on this discussion and we had the superintendent and two or three of the top staff, but no custodial staff, no correctional officers.

During the time that we were talking with this group, listening to their complaints and explaining what we were doing about them, the institution over here, the main prison, which has about 2,400 inmates, began to walk off the job and began to come out of their shops. The assistant superintendent over there went to various shops and told them that we were discussing the problems over here in the east unit, and as soon as the situation was cleared over here we would come over and talk with them and, hopefully, we could clear it up.

Momentarily that worked, but then they again began to walk off the job. The work area is all this area here (indicating), and we had people milling around all over the yard. The officers got them to come in and they locked the back gate to this cellblock to try to get them to go to their cells.

At that time they refused to go inside what we refer to as the "court." So they had to open the back gate and allow them to come through onto the recreational field. The reason that was thought to be desirable was that on the recreational field there are no other buildings, but out here we have the chapel, the shop buildings, the educational buildings, the supply warehouse, and all of the other support activities.

So it was decided that they needed to get them in a better control area where we could watch the fires and the other things if any started.

Mr. Turner, who is the assistant superintendent, told them that as soon as we finished in the east unit we would come over and talk to them. We did that. We completed in the east unit and these people agreed to return to work.

We then proceeded to the main prison. This activity in the main prison was completely disorganized. They couldn't even agree on who

their spokesmen were. We had one group that we were going to talk to and the group on the field reacted to that. So we sent them back out. We finally got another group and carried them up into the auditorium and talked to them along the same lines as we had in the east unit and told them we would do the exact same thing that we did for the east unit; that they were to go back onto the field and explain it to those in the yard which at that time numbered about 1,300; tell them to return to normal activity and we would proceed to do the same thing.

There was one other thing I did not mention in the east unit was that they wanted an inmate council.

They went on to the yard and by this time it was getting late in the afternoon. We gave them 30 minutes to get word to the people and to get them to come into the cellblock. They were called on the PA system. About half of that group did, in fact, return to the cellblock, leaving about half of them on the yard, milling around on the yard.

On several occasions the officers did tell them to return to the cellblock. They refused. They began building fires, using recreational benches and garden hose and other stuff on the recreational field.

Some of the inmates inside the building were throwing stuff out the windows to them, blankets and such other stuff as they could get through the windows. They were warned specifically that they must return to the cellblock, that we were not going to permit them to remain on the field overnight. They defied and continued to build fires and so forth.

I instructed the superintendent, who discussed with me what to do, and he instructed the staff to put them in the cellblock, to use whatever force was necessary to put the men in the cellblock. They sent some officers down there. We have three fences around this compound. The officers first went down between the fences and fired some warning shots.

In the meantime, of course, we had gotten people stationed outside the fence all the way around.

They went down between the fences and fired some warning shots and asked them to return to the cells, to the cellblock.

Mr. RANGEL. What types of weapons were used, Mr. Wainwright?

Mr. WAINWRIGHT. We had shotguns, there were some carbines, and also there were two submachine guns in the hands of the people.

Mr. RANGEL. And these were fired?

Mr. WAINWRIGHT. In the air as warning shots. I will get to the other firing in a few minutes.

These were fired in the air as warning shots. It had no effect on them.

The CHAIRMAN. How many guards were in that force?

Mr. WAINWRIGHT. We had, I believe, six or eight that went down between the fences. We had other officers around outside the fence to keep a mass breakthrough attempt from happening.

When this did not work, Major McKenzie, who is here today, brought his staff back through the main gate and through a gate in this area here (indicating). They were all out on this field. There is a softball field here.

As he entered this field here (indicating), he again instructed them to return to the cellblock. They refused and defied and threw stuff at the officers.

In the meantime, Major McKenzie, as he stopped back here (indicating) had removed the buckshot from the weapons. We don't buy birdshot. The only ammunition we buy is buckshot. He had removed the buckshot from the weapons and had instructed all officers to load their weapons with birdshot. The two submachine guns remained in the outer area. They did not come inside.

With those, he brought them in here loaded with birdshot (indicating) and gave the instructions which were defied and items were thrown at them, and so forth. He can tell you that in more detail than I can.

Through very controlled instructions of firing into the crowd, with birdshot, this was stopped.

The CHAIRMAN. At what distance?

Major McKENZIE. Estimated between 30 and 40 yards.

Mr. WAINWRIGHT. With birdshot. Of course, they immediately moved toward the east gate, which was where we wanted them to go to start with. By that time I was on the field behind Major McKenzie and I heard when he told them if there are any injuries move immediately to the gate and they would be carried to the hospital, and they were.

The CHAIRMAN. Did the men go into their cellblocks then?

Mr. WAINWRIGHT. Yes, sir. There was no more difficulty. They were all searched at the gate and all went to the cellblock.

You have heard injuries of everywhere from 30 to 75, I guess, about how many were shot. There were six people in the grand jury testimony, if you will read it, that required hospital treatment, only two of which were considered serious. One had a pellet in his eye and the other one was shot through the elbow. Those are the only two serious injuries out of the whole thing.

But, of course, if you read where 75 people were shot, it sounds like we were slaughtering people in Florida, but that wasn't the case at all.

If we had wanted to take advantage of people, the major would not have changed his ammunition load from buckshot to birdshot before going in there.

Mr. RANGEL. Wasn't there a report that one of the inmates had a .45 caliber bullet in his stomach?

Mr. WAINWRIGHT. That is true. There was a report that a .45 caliber bullet entered the pelvis of one of the inmates. Both officers with the weapons deny that at any time there was a .45 shot fired other than in the air. The man was later sent to the university medical center and that bullet disappeared. If it was in him, nobody knows. The medical staff has not been able to determine how it disappeared.

Mr. RANGEL. That doesn't bother me. Do you believe he was shot with a .45 caliber bullet?

Mr. WAINWRIGHT. No; I don't.

Mr. WIGGINS. Did he have a .45 caliber bullet hole in him?

Mr. WAINWRIGHT. The decision that it was a .45 caliber bullet was made from the X-ray. Yet, when he was X-rayed the second time there was no bullet there.

Mr. WIGGINS. To be sure, however, there was at least one prisoner suffering from a wound that was caused by a projectile other than birdshot?

Mr. WAINWRIGHT. There were two.

Mr. WIGGINS. Apparently caused by a projectile of some caliber, .45 or some other caliber?

Mr. WAINWRIGHT. Right.

Mr. WIGGINS. You just haven't ascertained yet where it came from?

Mr. WAINWRIGHT. We haven't been able to and the State attorney was not able to, and the grand jury was not able to ascertain. They have had several experts trying to explain how the possibility of a .45 caliber slug could ricochet.

Mr. WIGGINS. Do you require that officers account for their ammunition in the fashion that police officers do?

Mr. WAINWRIGHT. Yes.

Mr. WIGGINS. Was the ammunition satisfactorily accounted for?

Mr. WAINWRIGHT. Yes, sir.

Mr. PHILLIPS. If there were .45 caliber bullets used, was there a report that some police officers discharged a .45 caliber weapon?

Mr. WAINWRIGHT. Yes. I said earlier the .45 caliber weapons were discharged in the air. There is no evidence to indicate that a .45 caliber weapon was shot in the crowd.

The CHAIRMAN. But there were two people who had wounds that would be made by that kind of a bullet or that kind of a weapon?

Mr. WAINWRIGHT. There was one where it was indicated that it could be a .45. There was another one that was some type of wound other than birdshot.

The CHAIRMAN. Mr. Wainwright, I have here a copy of the finding of the Duval County Grand Jury which investigated this episode. This is a part of that report, with which you are perhaps familiar:

No specific instructions were given to correctional personnel regarding the methods to be utilized to attempt to bring about the desired results. No mandate or ultimatum was given to the inmates to clear the field, although a public address system was readily available. This grand jury has concluded that the firing into the crowd of inmates with shotguns loaded primarily with birdshot was not provoked by any significant overt act of the inmates.

Is that a true finding of the grand jury?

Mr. WAINWRIGHT. Mr. Chairman, that is a matter of opinion. We don't think that is a true finding of the grand jury because the inmates were told numerous times to return to the cellblock. They were told over a PA system from the cellblock entrance, which we refer to as the east gate, to return to the cellblock. They were told by Major McKenzie on numerous occasions from his vantage point to return to the cellblock.

If the question is specific, "If you don't return to the cellblock we are going to shoot," that particular statement was not made. But they were given ample and sufficient warning to return to the cellblock. They knew the armed officers were on the field.

The CHAIRMAN. Here is a case, according to your own statement, where weapons, dangerous weapons, were used in respect to inmates, not to defend the lives of these officers or the persons of these officers against an attack by the inmates, but to coerce action on the part of the inmates.

Have you not been able to devise any system of moving the inmates within the enclosure who are unarmed—they might have knives or something, but unarmed with weapons that would project very far—

without having to use weapons of this character? What about water hoses or stink bombs or something. This is your expertise. You haven't figured out anything yet but shotguns and machineguns and .45 or .38 caliber pistols to move them around inside the institution?

Mr. WAINWRIGHT. Well, first, of course, the machineguns should not have been used and won't be used in the future under those conditions. We were using what was available to us. The equipment for emergency control was not sufficient.

To answer your second question, we took the position, Mr. Chairman, that we could not permit those inmates to remain on the field because of assaults on each other, sexual assaults on each other, because of fights, because of possible killings, which have occurred in other prisons throughout this country.

Mr. Fred Wilkinson, who is former Assistant Director of the Federal Bureau of Prisons, testified in some cases in which he had had some sexual assaults, and in which he concurred wholly that those people had to be moved from the field.

The CHAIRMAN. This was February. What was the weather? Was it cool at the time?

Mr. WAINWRIGHT. It was not cold. It was cool. People were in their shirt sleeves.

The CHAIRMAN. Even if they had been allowed to stay out there, if you had blocked off that area, it must have been fairly cool weather in that part of the State in February—and if you had gotten the inmates to keep from throwing blankets they would have been chilled; wouldn't they?

Mr. WAINWRIGHT. Mr. Chairman, they are subject to sexual attack. It is our responsibility to protect those people from sexual attack. There were many inmates on the field who would have liked to return to the cellblock who were not permitted to do that.

I don't think it would be proper for us to leave 750 inmates on an open field where they could make sexual attacks on each other, continue to destroy State property, break out windows of the cellblock on that side, and even possibly perform mass escape through the fences. You know, we don't have walls in Florida. We have fences. They are not too difficult for 750 men to go through at one time if they wanted to.

We took the position, and I maintain it is a proper position, that we simply could not leave those inmates on the field 24 hours. We have to maintain control of an institution under our jurisdiction. Any time you turn control of it over to the inmates, we are not carrying out our responsibility.

The CHAIRMAN. Did you subject those men who refused to go back into the cellblocks to discipline thereafter? If so, what type?

Mr. WAINWRIGHT. Did we subject them to disciplinary action? Was that your question?

The CHAIRMAN. Did you subject those men who refused to go back into the cellblocks, at whom the shooting occurred, to discipline thereafter? If so, what type?

Mr. WAINWRIGHT. Some of them were disciplined and some of them were not. The ringleaders were moved to the punishment building and in some cases they were disciplined. Of course, many of them were not.

The CHAIRMAN. One of the witnesses yesterday, Judge Kelly, testified that he visited Raiford Prison and there was great hostility between the inmates and the guards, on the part of the inmates toward the guards. Is that correct? Or is that a condition of every correctional institution?

Mr. WAINWRIGHT. Mr. Chairman, there is more hostility at Raiford, or has been more hostility at Raiford, since February than probably ever before. There are many reasons for that. Of course, the investigation by our own State has dragged out many months. Personnel, staff, did not know what the outcome of the discussion was going to be, or the investigation was going to be. We have had more attacks on officers during the last several months since February than we have had in previous years.

The morale of both inmates and officers at this time is much improved. But there is no question that following the February incident and for the next several months, until final decision was made by the secretary as to the action to be taken against staff, there was tremendously more hostility than there had been at Raiford before.

The CHAIRMAN. The same witness testified—either he or another witness—there was hostility on the part of the guards toward the teachers that come in there to instruct. Is that correct? If so, why?

Mr. WAINWRIGHT. Mr. Chairman, we have from 12 to 15 teachers in each of our institutions, and in most cases the coordination between custodial personnel and the education department has been good.

We have a built-in problem in this area which we have been able to overcome in most instances. There is some feeling between custodial and maintenance, for that matter, and education, because we have come in with educational programs. We have been able to fairly well staff our academic programs. Through the use of some Federal funding through the State department of education we have been able to pretty well fund the academic program.

In many cases we are buying equipment with funds for the school that have been needed for years in the custodial department or in the maintenance department. It is hard to explain to those people why you can't equip their shops and their areas of responsibility and yet you can equip the school.

But they recognize the need for the academic education. They recognize the need for the schooling. These are two or three teachers at Florida State Prison who have particularly serious problems getting along with custodial. Other than that, the education department at the Florida State Prison and the custodial department, and other departments, do get along well. There is not serious hostility against the school program.

The CHAIRMAN. Have you explained to the guards why these teachers are there, and what your position is, that you expect them to observe it and cooperate with them?

Mr. WAINWRIGHT. Yes, sir.

The CHAIRMAN. It is your decision to let the teachers in to provide instruction. It is their job to fit in with your plan. Do you see that they do that?

Mr. WAINWRIGHT. We have made extensive efforts to hold staff meetings, frequent superintendents' meetings, and other types of meetings to assure the total staff what the goals of our division are. In

February, we issued a book a half-inch thick which contained our goals for 1971. We made that available to all employees.

The CHAIRMAN. Thank you very much.

Mr. McKenzie, do you have a brief statement to make? After that the committee will inquire of you both.

STATEMENT OF MAJOR McKENZIE

Major McKENZIE. Yes, sir; Mr. Chairman and other distinguished members of the committee, first, I would like to express my appreciation for being allowed to appear before this committee today. Although I do not have a prepared statement, I do have some notes that I have jotted down that possibly may be of interest to the committee.

The CHAIRMAN. Wait just a moment. We will have to take a recess so we can answer a quorum call. It will be about 10 or 15 minutes.

(Whereupon, a brief recess was taken.)

The CHAIRMAN. The committee will come to order.

Major McKenzie, would you proceed with your statement, please?

Major McKENZIE. Mr. Chairman, I do have a statement which I will make as brief as I possibly can.

I would like, for the benefit of the committee, to talk about one area that is not covered completely on your topic outline, although the topic outline is quite complete. This has to do with the overall operation and the involvement of the correctional officers. I don't know that there has ever been enough said about a correctional officer working in the institution or the security departments of the institutions around the country.

We define our security department at Florida State Prison as the application of management skills and techniques and functions and procedures necessary for the administration of the institutional security department.

I would like to impress upon you to follow me through those definitions, if you will, and to realize that the security department in the institution is a 24-hour operation, 7 days a week, where the correctional officers themselves are in constant contact with the inmate population.

I think it is high time that everybody concerned, as this committee is concerned, take a look over their shoulder and see where we have been in corrections, and take a look ahead and see where we are going in corrections.

I think it is time that we discontinued and stopped leaving out the correctional officer role and program and training in our correctional apparatus.

We have some plaguing faults in the correctional officer field and this is in the recruiting, training and selection of our officers. There was some testimony given yesterday as to the starting salaries of the correctional officers at the Florida State Prison, in the area of \$375 a month for tower officers starting to work there. I appreciate, and I am sure my tower officers at Florida State Prison will appreciate, the \$11 a month increase in their salary. The starting salary is actually \$364 a month.

Some few months ago in computing our officer turnover in tower officers, we had a 115 to 120 percent turnover in those ranks.

Mr. PHILLIPS. Was that in 1 year?

Major McKENZIE. This was over a 3-month period.

I would like to make a comparison for you, if I may. The national correctional officer starting structure in the State of Massachusetts is \$8,436 a year. I will skip on down these. California is \$7,812 a year. In Florida, it is \$5,568 a year. We didn't pick just these States. I have 10 others. There are 30 other States that start their correctional officers off in salaries greater than Florida.

I assure you that not all of our problems and all of our cures are in salary, but our financial needs for our officer personnel are certainly among the greatest.

It is one area of satisfaction for the personal needs of our staff.

We are operating a 3,500-man institution, 24 hours a day, 7 days a week, with a staff of 366, until recently, correctional officers. This places, sometimes, 24 men in our maximum security unit supervising 1,200 inmates in the maximum security unit.

The CHAIRMAN. What is the ratio of guards to inmates?

Major McKENZIE. The ratio is hard to figure, Mr. Chairman. I don't think it is feasible to try to compute a ratio on an overall staff versus inmate population type thing. You must realize that our correctional officer staff is present 24 hours a day. I will give you one comparison. We have our shift rosters and we have made this known to our personnel people in Tallahassee. We have in our maximum security section practically on every shift, I would say, one officer supervising as much as three maximum security wings in the east unit of Florida State Prison. This is three 96-man wings.

In the main prison, which you have outlined as your main cellblock, we have one officer sometimes supervising as many as 200 and 300 inmates there.

I have been asked questions: "What are these officers armed with?" They are armed with understanding and good judgment. This is the way it goes as far as ratio. I hope that answers your question.

In order to satisfy an officer's personal needs as far as doing a good job and maintaining his job and maintaining his supervision over inmates, it is an impossibility. The officers will be the first to tell you that they are not doing their jobs, that there is a communication problem between the inmates and the officer, simply and duly because of the lack of officer personnel to do that job. Their needs are not satisfied in that area either.

Influences of wives and friends. I would like to talk just a little bit on this subject. I would like to mention assaults. I have been in correctional work for 15 years. I have seen more assaults in correctional institutes than I have ever seen before.

Mr. STEIGER. How many is that?

Major McKENZIE. In Florida, 18. We had one officer stabbed four times who required open-chest surgery. He actually died on the operating table. We had one officer in our maximum security section severely beaten with home-fashioned weapons, such as hatchets, fashioned out of the locker boxes and the speakers.

Mr. KEATING. Could I interrupt for a question?

May I ask if the amnesty granted after hostages are taken and some of them assaulted while they are hostages encourages further activity of this sort, assault on correction officers?

Major McKENZIE. That is true. Most of the time the correction officer is there and is available. I would say a high percentage of the hostages would be correction officer personnel.

Mr. KEATING. The point I am making is when you have a situation in a prison takeover by the inmates, and the correctional officer is held as a hostage, or someone else is held as a hostage but let's direct it along your line to where the correction officer is held as a hostage, and he is assaulted in some way or beaten in some way. Then in the negotiations, amnesty is granted.

What does this do to the possibility of future attacks on the correctional officer, physically being attacked or being taken as a hostage, in your opinion?

Do you understand the question?

Major McKENZIE. Yes; I think I do.

Of course, any time negotiations are carried on over a lengthy period of time, you run a serious risk of having other hostages taken during the negotiation period. I would like to tell you just a little bit about the situation that we had last Sunday, November 28, at Florida State Prison.

Mr. KEATING. Let me just get an answer to my question. Is it more likely that hostages will be beaten in the future in the event there is amnesty granted when all is said and done afterward?

Major McKENZIE. I think you are opening the door for it.

Last Sunday morning, in the early morning hours, around 1 o'clock we had four hostages taken in Florida State Prison in the east wing of our hospital, in the main prison.

The superintendent did talk for a short period of time with the six inmates holding the hostages. We immediately went in then and took charge of the wing without any use of force or any use of chemicals. I think a sensible question was asked by one of the inmates holding the hostages. I have told a couple of the members of the committee this story already. One inmate, after the control was restored, and we had the inmates stripped and in one of the hospital rooms for examination by the medical staff and other procedures, such as advising them of their rights and removing them to a segregated area, one of the inmates that had taken part and was identified as standing behind one of the officers with a home-fashioned knife about 8 inches long and razor sharp, holding it on the officer when we were talking to them, asked me a question of, "How in the hell can everybody else in this country get away with holding hostages and we can't?"

Well, I don't have the answer to that question, but I think it is worthy that people that would hold hostages would certainly recognize the timely restoration of control and order did take place.

The public image problem for the correctional officer: They are told on one hand how to do a job and are put through training and schooling and then, unfortunately, they have to read in the papers every morning, and in other areas, about what a terrible job they are doing. I am sure you can understand what an effect this must have on the correctional officer staff.

Time demands of service: We have officers who are spending hour after hour weekly in training, voluntarily, for our emergency platoon. You have already heard of the 280 officers out of the staff enrolled in junior college programs. I think this points out the interest on the part

of the correctional officer at the Florida State Prison, particularly.

I might add that they are doing this on their own time and traveling at their own expense. Some are actually attending classes at their own expense.

I would like to talk to you just a moment about the role of the correctional officer, and I would like for you to make some comparison as I go through these roles and try to identify the correctional officer with the guard image that for some reason is being held onto across the country.

The role of the correctional officer I would like for you to try to visualize is a salesman, a salesman that is in contact and standing between the three main power groups in the institution that we recognize as the administration, your line personnel which is the correctional officer, and your inmate population. Those are the three main power groups.

He is a salesman that can destroy or make any program that you start in the institution. I am talking about Alcoholics Anonymous, the drug programs, and all the way down to the work release programs that we have started in Florida.

Visualize, if you can, the correctional officer as a communicator with the inmates, with the administration, and other officer personnel and his supervisors; a problem solver, a man who is going to be there. He is going to solve all problems from inmate differences to plumbing in the institution. He is available, he is there, he has to get the job done. He is a market analyst. Even today the officer must follow the markets where people can be meaningfully employed and put to work because of our work release program.

Quite often the inmate can be talking to an officer and will ask him about the market. "What should I do or where can I go to learn a vocational trade? Even if I go into the vocational area, where can I be employed?"

These are some of the functions.

An educator? Yes. Where do you think the inmate gets his original orientation when he comes into the institution? For the most part, the correctional officer gives him that orientation.

Last year, we had 20,904 visitors through our gates at the Florida State Prison. These are also handled by the correctional officer staff.

A planner in the middle line area; accountability for as many as 3,000 people, falling on the responsibility and the shoulders of the correctional officer and, last, the negotiator. He is the man who is going to solve the problems if they are going to be solved on the first line.

The correctional officer involvement in the institution has grown beyond belief in the past few years. He is the keeper. The man is in touch with the inmate. He is the man who is first to hear complaints, from wake up in the morning through feeding, to be sure that their food is there, ready to be served; organizing the inmate population to check out for work, to check out the school areas, and then, of course, to return them, with accountability, again, and then for any disciplinary action or counseling that might come up while he is on work assignments. An officer who is assigned to the classification teams is a correctional officer. He is going to be making decisions as far as custody changes for an individual. He is going to be making recom-

mendations for parole consideration. He is going to be making recommendations for such things as being placed in a community center.

There is the housing of the inmates, with inmate problems. Again, here he is a negotiator, oftentimes, between inmates. He hears complaints about food and mail and channels those complaints or requests to the administrator.

The CHAIRMAN. Mr. Mann?

Mr. MANN. Your work-release program has been in existence only a period of a few months; is that correct?

Mr. WAINWRIGHT. The work-release program, since July 1968.

Mr. MANN. What experience of recidivism do you have in that program?

Mr. WAINWRIGHT. It is considerably less than the other programs. We see this, of course, as a way of bridging the gap between the institution and the community by having the man secure in his employment and also able to make the financial transition from the institution. Our statistics at this point, of course, are not hard because it has been such a short time.

It appears that only 3 or 4 percent of them are returning.

Mr. MANN. I recognize, as you indicated earlier, that through statistics you have to operate on a nationwide basis, and there must be a national data bank. Aside from that, though, what is the Department of Corrections of Florida doing to improve its own research activities with reference to techniques and results?

Mr. WAINWRIGHT. We have established a research section in the central office, which is the division office. We have one employee at this time and we are requesting four additional members. We hope to become involved in considerable research in many of these areas to determine what programs are assisting in keeping the offender out and which ones are not. Of course, we would drop those that do not keep him out. We are trying to develop a good, comprehensive research program.

Mr. MANN. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Wiggins.

Mr. WIGGINS. Just a few questions of Mr. Wainwright.

Mr. Wainwright, we have been listening to problems and our function is not just to listen but to try to do something about them.

It occurs to me that unless the Federal Government is going to undertake the administration of State prisons, which we are not going to do, about all that we can do is to assist in the area of funding. That, I think, is a critical need.

Is it your recommendation that if the Congress undertakes to provide additional funds to States for correction purposes that those funds should be given with no strings attached, except that they be used for corrections, or should we rifle shot in on programs?

Mr. WAINWRIGHT. My recommendation would be that the American Correctional Association is striving now to develop standards for the operation of correctional institutions, correctional systems, the same as the American Medical Association and the American Education Association.

If those standards can be developed, and standards can be set, then I feel it should go direct to the programs that meet the standards, or that are trying to meet the standards.

Mr. WIGGINS. Do you think it would be wise for the Federal Government to impose a condition upon the receipt of funds that no part of those funds be used to pay the salaries of correctional officers?

Mr. WAINWRIGHT. No, sir.

Mr. WIGGINS. You don't think that is wise?

Mr. WAINWRIGHT. I think it is not wise, that it should be able to be used to pay correctional officers. I would like to see a minimum salary level and then incentive pay for better qualifications of correctional staff.

Mr. WIGGINS. Some believe that if that is the case you should go to the people of the State of Florida and make that demand rather than to rely upon Federal funds for salary purposes.

I realize that is controversial.

Mr. WAINWRIGHT. We have made that effort in the last several years.

Mr. WIGGINS. The fact that you have lost is not the problem of the Congress, I think. It still remains the burden of the people of Florida to compensate its employees properly, it seems to me. Hopefully, they will do so.

Do you think it would be wise to prohibit the use of any funds for structures and to require that they go only into programs?

Mr. WAINWRIGHT. Not totally, because in many States the facilities are antiquated. I think there should be some control on the type of construction that money is allowed for. I don't think we need to build any more fortresses or large institutions.

But construction funds going into community-oriented programs and community-oriented facilities, if States cannot provide them, would be most desirable, from LEAA or some other source.

Mr. WIGGINS. At the present time, the Federal Government is funneling money into correction in States through the agency of the Law Enforcement Assistance Administration. That is implemented by each State, the State devising a State plan for the spending of the money.

Do you think it would be wise for us merely to add more money to that program or to take a whole different approach for financing and assisting States in the correction field?

Mr. WAINWRIGHT. In Florida, the LEAA funds allocated to corrections on the State level are for the most part going into our community centers. Of course, the 75 percent which goes to regions is going for many different types of things. Corrections is going to get the short end of the stick unless there are specific guidelines for what portion of the funding corrections is to be allocated.

Mr. WIGGINS. I am not sure I understand that as responsive to the question. The option, it would seem to me, would be to put more money into the LEAA, mandating that more go to corrections through the administration of the law enforcement assistance operations.

Another option would be to set up a whole new procedure to finance corrections in States, bypassing the LEAA machinery.

You have a choice between those two options.

Mr. WAINWRIGHT. If I had the choice I would bypass the LEAA machinery.

Mr. WIGGINS. Thank you, sir.

The CHAIRMAN. Mr. Rangel.

Mr. RANGEL. Mr. Wainwright, how many institutions do you have control over in Florida?

Mr. WAINWRIGHT. We have eight major institutions, 19 road prisons, two community centers and one farm camp.

Mr. RANGEL. The warden at the institution we were discussing is who?

Mr. WAINWRIGHT. L. E. Dugger.

Mr. RANGEL. He is the one at Raiford? I was reading the Governor's report which was rather critical.

Mr. WAINWRIGHT. That would be Mr. Hassfurder.

Mr. RANGEL. Did he have an emotional problem at the time he was warden?

Mr. WAINWRIGHT. Did he have an emotional problem?

Mr. RANGEL. Did he have any problem that you, as the person in charge of all the institutions, detected while he was warden?

Mr. WAINWRIGHT. He had some knee surgery and he did have some nervous problems; yes.

Mr. RANGEL. And certain recommendations were made in connection with some of the activities that were investigated: is that not so, in connection with his having committed atrocities on the inmates?

Mr. WAINWRIGHT. Right.

Mr. RANGEL. You stated before this committee that by Florida statute men who had been found to have committed these types of things against inmates are required to be dismissed: is that correct?

Mr. WAINWRIGHT. That is correct.

Mr. RANGEL. And, in fact, the Governor's report suggested that these men be dismissed: is that correct?

Mr. WAINWRIGHT. The man was dismissed.

Mr. RANGEL. No. It said the man and everybody who was accused of doing what the report said did not deny they did.

Mr. WAINWRIGHT. I don't believe that is the Governor's report you are reading from.

Mr. RANGEL. Yes. The report suggested that they all be dismissed, and cited the Florida statute as the basis.

Mr. WAINWRIGHT. Who is "they"?

Mr. RANGEL. "They" would be those who participated.

Mr. WAINWRIGHT. What report are you reading from?

Mr. RANGEL. I am reading from the Governor's report of May 4. Who was dismissed?

Mr. WAINWRIGHT. Lieutenant Johns was dismissed.

Mr. RANGEL. And weren't there seven other people who were acting in concert with the lieutenant?

Mr. WAINWRIGHT. I will answer your question by stating that the entire matter was referred to the grand jury by the Governor. The grand jury did not make recommendations for dismissal of anyone. So I assume that the grand jury, in the evidence they had presented to them, did not find corporal punishment was used. If they did, they did not carry out their responsibilities because the men should have been indicted.

Mr. RANGEL. You don't believe that a person has to be indicted or that the evidence has to be sufficient to indict a person for a crime in order for you to carry out your administrative responsibilities if you find that he violated the regulation; do you?

Mr. WAINWRIGHT. No; I did not.

Mr. RANGEL. So whether or not the grand jury found sufficient evidence to indict didn't mean that you were not required by law to dismiss, if, in fact, you had evidence that these people had committed bodily injury to defenseless inmates?

Mr. WAINWRIGHT. So what is your question?

Mr. RANGEL. My question is: Did you find that the officers involved did, in fact, violate the basic rights of the inmates by assaulting them?

Mr. WAINWRIGHT. I found in my investigation that the officers in the incident in flat top used force beyond that authorized by the department of corrections.

Mr. RANGEL. The regulations don't require that they be indicted but they do require that they be dismissed. You did not dismiss them. You suspended them.

Mr. WAINWRIGHT. It requires dismissal if they are guilty of corporal punishment.

Mr. RANGEL. And you didn't find that they were guilty of corporal punishment?

Mr. WAINWRIGHT. I didn't find that they were guilty of corporal punishment; no. Neither did the grand jury.

Mr. RANGEL. How do you distinguish between the acts they did commit against the inmates and your interpretation of what is corporal punishment?

Mr. WAINWRIGHT. Well, I haven't defined that. I left that up to the attorneys to define.

Mr. RANGEL. As the administrator of these institutions you have the responsibility to enforce the statutes of the State of Florida; is that correct?

Mr. WAINWRIGHT. And Mr. Johns was dismissed and others were suspended. Disciplinary action was taken against the people involved in the flat top.

Mr. RANGEL. Was any action taken against Major McKenzie?

Mr. WAINWRIGHT. No, sir.

Mr. RANGEL. Was that recommended by the Governor?

Mr. WAINWRIGHT. The action taken against Major McKenzie was that recommended by the Governor.

Mr. RANGEL. What was that?

Mr. WAINWRIGHT. None. A written reprimand.

Mr. RANGEL. Major McKenzie, isn't it a fact that on the dates in question you testified before the grand jury that you did, in fact, mace inmates and use tear gas while they were in their cells?

Major McKENZIE. We did use tear gas.

Mr. RANGEL. I am not talking about what "we did." You are in charge of the corrections officers; is that correct?

Major McKENZIE. That is right.

Mr. RANGEL. And you recognized that your warden had a nervous problem as explained by Mr. Wainwright, right?

Major McKENZIE. What was your question again?

Mr. RANGEL. My question is: Did you, in fact, use mace against prisoners who were locked up?

Major McKENZIE. Yes, sir; I used mace against prisoners that were locked in P wing in the east unit. I think if you read in the grand jury report you will find that was found to be perfectly within—

Mr. RANGEL. Let's talk about it because it seems that both of you are concerned about the grand jury and I am just concerned about what you did.

The CHAIRMAN. We will have to take a temporary recess. We will be right back.

(Whereupon, a brief recess was taken.)

The CHAIRMAN. The committee will be in order.

It will be necessary for the committee to recess until 2 o'clock this afternoon.

(Whereupon, at 12:15 p.m. the committee recessed, to reconvene at 2 p.m. the same day.)

AFTERNOON SESSION

Mr. RANGEL (presiding). The committee will now resume hearings. I believe Mr. Wainwright and Mr. McKenzie were testifying.

Mr. Wainwright, are you presently the president of the American Corrections Association?

Mr. WAINWRIGHT. No, sir; I am immediate past president. My term ended in August.

Mr. RANGEL. How long were you president?

Mr. WAINWRIGHT. One year.

Mr. RANGEL. Are you a lifetime member of the board of directors of this association?

Mr. WAINWRIGHT. Yes; I am.

Mr. RANGEL. So we can fairly assume that your past position clearly demonstrates the esteem that you are held in by your fellow colleagues; is that correct?

Mr. WAINWRIGHT. I would hope so; yes.

Mr. RANGEL. This is very important to the committee, as we attempt to avoid personalities and try to find out just what legislation, if any, is needed in order to make your job and your colleagues' jobs easier.

With that as background, I would like to get to the facts and circumstances surrounding the events of February 12 where we find 1,350 men in an athletic field. Now, unlike Attica, it seems to me, from the records I read, that the men were sent to the field by the prison authorities; is that correct?

Mr. WAINWRIGHT. That is perfectly correct.

Mr. RANGEL. Would you make it fully correct?

Mr. WAINWRIGHT. The authorities attempted to send the men to the cellblock. When they refused to go to the cellblock, then they felt that the athletic field was the better place to have them than in the total yard, where all of the additional support buildings and chapels and workshops and areas were. So they went to the athletic field. By refusing to go to the cellblock, they were then allowed to go to the athletic field.

Mr. RANGEL. So, in reality, the men were in the athletic field with consent given by the authorities, after the authorities had taken all of the facts and circumstances into consideration?

Mr. WAINWRIGHT. That is correct.

Mr. RANGEL. There came a time where the authorities, according to your report, wanted to show a display of force; is that correct?

Mr. WAINWRIGHT. At which time?

Mr. RANGEL. Well, while the men were in the field, there did come a time when it was decided by either you or Mr. Hassfurther that something should be done about the situation?

Mr. WAINWRIGHT. That is correct.

Mr. RANGEL. If I understand your testimony correctly, what bothered you the most were the sexual assaults that were being committed on the prisoners; is that correct?

Mr. WAINWRIGHT. Sexual assaults, the possibility of mass escape, and the destruction of State property.

Mr. RANGEL. Now, on the athletic field, with the exception of destruction of the sports equipment, which I understand is purchased from prisoners' funds, had you seen any sexual assaults taking place?

Mr. WAINWRIGHT. No; I had not.

Mr. RANGEL. Had you ever, as a law enforcement officer, seen sexual assaults take place on the athletic field?

Mr. WAINWRIGHT. If I had, I would have attempted to stop them. But they had taken place in many other similar situations throughout this country.

Mr. RANGEL. 1,350 men sexually assaulted on athletic fields?

Mr. WAINWRIGHT. That was testified to by Fred Wilson, Assistant Director of the Federal Bureau of Prisons, in some instance in which he himself had been at a prison where sexual assaults were in fact carried out on inmates under similar circumstances.

Mr. RANGEL. So you decided then to call in what law enforcement officials, besides your regular guard complement?

Mr. WAINWRIGHT. There were no other law enforcement officials there at that time.

Mr. RANGEL. Did there come a time when you called them over?

Mr. WAINWRIGHT. The Florida Highway Patrol was eventually called in, and also the marine patrol.

Mr. RANGEL. Why were these people, in addition to your regular guards and troops, called in?

Mr. WAINWRIGHT. Because of the extended time that the officers had been on duty and because the Governor felt that additional law enforcement strength was necessary.

Mr. RANGEL. So when all of the people were shooting into the air and attempting to gain control over the athletic field, did there come a time when the majority of the prisoners did attempt to come together at one point, and when some of them attempted to surrender or co-operate with the authorities?

Mr. WAINWRIGHT. Of the 1,350 that were on the athletic field, or about that, when the staff was making an effort to clear the field, about half of that group did in fact return to the cellblock. The balance of the group did not return to the cellblock and made no effort to return to the cellblock until after the firing took place.

Mr. RANGEL. And this was direct firing into the remaining group; is that correct?

Mr. WAINWRIGHT. Part of it was; yes.

Mr. RANGEL. What happened after the direct firing was made on this group? What happened to the remainder who were fired upon?

Mr. WAINWRIGHT. They immediately returned to the east gate for entry to the cellblock, as we had been trying to do for some time.

Mr. RANGEL. Did there come a time when you thought there had to be another volley of firing, referred to in some reports as the second volley?

Mr. WAINWRIGHT. Not beyond that point; no.

Mr. RANGEL. Now, who really was in charge of this operation?

Mr. WAINWRIGHT. The superintendent.

Mr. RANGEL. But were you always present?

Mr. WAINWRIGHT. I was always on the grounds. I was not always at the scene.

Mr. RANGEL. Were you at the scene at the athletic field?

Mr. WAINWRIGHT. After the firing had been completed.

Mr. RANGEL. Now, did not the Governor recommend that Major McKenzie be suspended?

Mr. WAINWRIGHT. I worked directly under the Governor. There is a secretary between the Governor and I, and if he had recommended he be suspended, he would in fact have been suspended. He didn't make that recommendation. He was suspended for 30 days and that was rescinded by the Governor. The suspension was rescinded.

Mr. RANGEL. On February 13 some prisoners were disorderly in a hospital and some of your men fired weapons at the hospital windows: is that correct?

Mr. WAINWRIGHT. No, sir.

Mr. RANGEL. Would you correct the facts?

Mr. WAINWRIGHT. Weapons were fired over the hospital. None were fired in the hospital window.

Mr. RANGEL. Were there not pellets found in the hospital, on the hospital itself?

Mr. WAINWRIGHT. No, sir: not to my knowledge.

Mr. RANGEL. You read no reports to indicate that pellets were actually found on the hospital walls outside?

Mr. WAINWRIGHT. No official reports have been made to that effect; no sir. Not to my knowledge.

Mr. RANGEL. Were there recommendations made in connection with the activities of these men that did fire these shots?

Mr. WAINWRIGHT. By who?

Mr. RANGEL. By either the Governor or the secretary of health—by your superiors.

Mr. WAINWRIGHT. If recommendations had been made by the Governor, they were carried out.

Mr. RANGEL. If they were made by any other of your superiors, would they have been carried out?

Mr. WAINWRIGHT. I always carry out the instructions from my superiors.

Mr. RANGEL. Do you know the names of the men who were involved in the shooting at the hospital?

Mr. WAINWRIGHT. Yes, sir: I do.

Mr. RANGEL. Were any disciplinary actions taken against them at all?

Mr. WAINWRIGHT. No; there wasn't.

Mr. RANGEL. Do you believe that this was in accord with correct procedure to be used by guards?

Mr. WAINWRIGHT. You can always learn something from every situation. I would hope that if the exact event occurred again, we could avoid that. I think that it was in poor taste. I made that statement to begin with. I don't think it was a violation of any statute or of any particular regulation. The instance should not have occurred. We stated that from the beginning.

Mr. RANGEL. But it is your professional opinion that when guards are taunted by prisoners, for the guards to shoot above the hospital or above the building would not require any disciplinary action?

Mr. WAINWRIGHT. I think it would depend on the circumstances. In this case there were many inmates involved other than the ones in the hospital. We reviewed the situation in great detail and it was not determined that disciplinary action other than verbal reprimand should be taken against the three officers involved.

Mr. RANGEL. I would just like to ask one more question in connection with the athletic field. Prior to the time that shots were fired, did you see any attempt on the part of the prisoners to escape?

Mr. WAINWRIGHT. No; I did not. But I was not on the athletic field at that time.

Mr. RANGEL. Did you have any reports that there was any attempt on the part of the prisoners to escape prior to the time that shots were fired?

Mr. WAINWRIGHT. There was a report that some inmates attempted to rush a fence; yes.

Mr. RANGEL. Before the shots were fired?

Mr. WAINWRIGHT. After the warning shot was fired and before the final shot was fired; yes.

Mr. RANGEL. But before the warning shots were fired you had no reports that came to you that there was any attempt to break out of this prison?

Mr. WAINWRIGHT. No.

Mr. RANGEL. I would like to refer to the sweep operation in the east unit. At that time I understand that Major McKenzie was in charge of a group of men; is that correct, Major?

Mr. WAINWRIGHT. That is not exactly correct. Both the assistant superintendent and Major McKenzie were present in that period.

Mr. RANGEL. Now, at that time, did you take a group of law enforcement officers, in addition to the regular guard complement, into sections of the east unit, Major?

Major McKENZIE. Yes, sir.

Mr. RANGEL. For what purpose?

Major McKENZIE. The Florida Highway Patrol and Florida Marine Patrol were with us.

Mr. RANGEL. For what purpose?

Major McKENZIE. In order to assist us in bringing that situation under control.

Mr. RANGEL. Now, I understand that all of the inmates were locked up.

Major McKENZIE. The inmates had previously been locked up. We were in the process of checking the inmates squads after work, so they were not in complete lockup at that time.

Mr. RANGEL. So you took them out of the cells; is that correct?

Major McKENZIE. We did not take them out of the cells. They were on their wing, but they were not locked in their individual cells.

Mr. RANGEL. You testified before the recess that during this time you found it necessary to use mace. And if the reports are true, to shoot at the eyes of the prisoners with this mace. Is that so?

Major McKENZIE. No, sir. It is not correct. The use of the mace was not during the show of force in the east unit that you are referring to now.

Mr. RANGEL. When was the mace used?

Mr. McKENZIE. The mace was used later in the evening, approximately 7:30. I guess. I forget the exact time now.

Mr. RANGEL. Why was mace used?

Major McKENZIE. I was summoned back to the institution around 7:15. We had a disturbance on P wing.

Mr. RANGEL. What type of disturbance?

Major McKENZIE. Shaking of the cell doors, destruction of the cells, throwing of just about any kind of garbage from the cell they could throw—we had just finished feeding the evening meal. Holding of trays, some throwing of trays, breaking of windows.

Mr. RANGEL. But they were locked up; right?

Major McKENZIE. They were locked in their cells.

Mr. RANGEL. And you used mace?

Major McKENZIE. Not initially. I did not use mace. I reported to the east unit. I talked to the officer in charge. I notified my supervisors that we did have a disturbance on the wing, on P wing. I then went down to P wing with some four or five other officers. I talked with the inmates on P wing, on both sides, all three floors. And for some probably 5 minutes then they quieted down.

I encouraged them to discontinue the destruction of property and the harassment of the officers, and one thing and the other, and they did quiet down for about 5 minutes and then they started back again, breaking windows and all of the things I have outlined to you before.

I talked to them the second time, at which time they quieted down again, and then we had some, I guess it was on the south side of the first floor, about eight or 10 people started to create the disturbance again, and I used two grenades of CN gas. And they quieted down for a while on that floor.

And at this time then, I guess probably a good 10 minutes later, we had some four or five inmates. I believe all on the second floor, I forget now, began to create a disturbance again. This is when I used the mace on those prisoners.

Mr. RANGEL. And they were locked in their cells?

Major McKENZIE. They were locked in their cells. They were destroying the contents of their cells and attempting to start the disturbance all over again, at which time we could not afford to have that happen.

Mr. RANGEL. Did you believe you acted correctly in that matter?

Major McKENZIE. Yes, sir.

Mr. RANGEL. And if the opportunity arises, would you act in the same manner?

Major McKENZIE. Yes, sir.

Mr. RANGEL. Mr. Wainwright, do you concur with the activities of Major McKenzie in this situation as related to P wing?

Mr. WAINWRIGHT. I do.

Mr. RANGEL. Why was he suspended?

Mr. WAINWRIGHT. Why was he suspended? There were several incidents that were brought to the Governor's attention.

Mr. WIGGINS. Maybe we misunderstood your answer. Did you respond that you did concur in his response?

Mr. WAINWRIGHT. Yes.

Mr. WIGGINS. Your question is why did you suspend him?

Mr. RANGEL. No, my question was, Major McKenzie was subsequently suspended, was he not?

Mr. WAINWRIGHT. He was suspended.

Mr. RANGEL. For these acts?

Mr. WAINWRIGHT. There were several points in the preliminary investigation, the Governor felt there were points or irregularity in which he indicated and recommended that Major McKenzie be suspended. At that time, he impaneled the State attorney from Jacksonville, which is a district outside of the Florida State Prison. Incidentally, that was also recommended by the secretary at that time. The State attorney made complete investigations and took the evidence before the grand jury.

These points which the Governor questioned about concerning Major McKenzie were clarified by the evidence to the grand jury, and as a result, the suspension was suspended, was removed, was rescinded. The grand jury report goes into these cases of use of tear gas. Those were the citizens of our State, and also the people who are best qualified to make investigations. They investigated the method that the gas was used, the amount of gas that was used. They had experts' testimony on the use of tear gas, and they determined that the use of tear gas in both instances as proper and overdue.

Mr. RANGEL. Mr. Wainwright, you are not really telling this committee, as it relates to the hiring and firing and discipline of your officers, that you relied on grand jury action, are you?

Mr. WAINWRIGHT. I am not telling you that; no, sir. But I am telling you by the same token, if we believe in the grand jury system of our country, that then we need to be guided by whether they feel an act is proper or improper. And in this case, they determined that that act was not improper.

That grand jury was convened at the recommendation of the Governor, and these people are protected by career status, and I do not see any justification or evidence to take action against a person whom the grand jury has indicated did a good job.

Mr. RANGEL. What about at the flat top? Did the grand jury say a good job was done there?

Mr. WAINWRIGHT. No; they did not.

Mr. RANGEL. What happened, Major, at the flat top? Were you present there?

Major MCKENZIE. No; I was not.

Mr. RANGEL. Were you present, Mr. Wainwright?

Mr. WAINWRIGHT. No, sir. But I can tell you about it.

Mr. RANGEL. Who was present?

Mr. WAINWRIGHT. Captain Johns was the senior officer present at flat top.

Mr. RANGEL. Well, corporal punishment was given out by guards to prisoners, is that correct, to the best of your knowledge?

Mr. WAINWRIGHT. That depends on your definition of "corporal punishment." There was no question in my mind and no question in the original reports that we made, that force beyond that necessary was used on inmates in the flat top instance and was used in the presence of Captain Johns. My original report suggested that Captain Johns be demoted and transferred, and that the seven other officers be given written reprimands. The Governor's staff report came in, and the recommendation was that Captain Johns be suspended for 30 days and that the officers involved be suspended for 20 days, which was in fact carried out.

After the grand jury report came in—and that was studied by the secretary and in consultation with the staff from the Governor's office—the decision was made that Captain Johns would be fired and the suspensions of the other officers would be reduced to 10 days. And that in fact was carried out.

Mr. RANGEL. Well, I thought the statute was abundantly clear: when such activities were committed by guards against prisoners, that they would be dismissed?

Mr. WAINWRIGHT. Captain Johns was dismissed.

Mr. RANGEL. How about the other seven officers?

Mr. WAINWRIGHT. The other seven officers were not dismissed, and it was the opinion of those with the decisionmaking responsibility, that it was Captain Johns' responsibility, that he was the senior officer, and that they were carrying out function under his guidance, and that he was the officer responsible.

Mr. RANGEL. So is it your professional opinion that if guards under orders pull inmates out and attack them physically, as long as the order was given, they are not subject to the statute we are talking about?

Mr. WAINWRIGHT. No, sir. I didn't say that. But to convict a man for corporal punishment, you have to have sufficient evidence to prove that corporal punishment was in fact inflicted. And the grand jury—if that be the case, the grand jury could have indicted him. They did not indict anybody. However, we felt the evidence was strong enough that Captain Johns, who was a senior officer, should be dismissed. And he was.

Mr. RANGEL. Well, in any case of dismissal, you are not required to have the same weight of evidence as that necessary to convict.

Mr. WAINWRIGHT. That is true, but they have the appeal process, which they can go through.

Mr. RANGEL. I am assuming that, Mr. Wainwright. But in your professional opinion, the facts as brought to your attention did not warrant charging the seven officers with corporal punishment—as you see it?

Mr. WAINWRIGHT. That is correct.

Mr. RANGEL. I understand that some 4 years ago a fire occurred in Jay. Were you in charge of the penal institutions at that time?

Mr. WAINWRIGHT. I was.

Mr. RANGEL. Were 39 inmates killed in that fire?

Mr. WAINWRIGHT. Yes; 38 or 39.

Mr. RANGEL. Were they locked in their rooms at the time?

Mr. WAINWRIGHT. They were locked in the building.

Mr. RANGEL. Was there an investigation made of the facts and circumstances surrounding the deaths?

Mr. WAINWRIGHT. There was.

Mr. RANGEL. What was its conclusion?

Mr. WAINWRIGHT. The conclusion was that the buildings were fire-traps. We had been telling the legislature that for several years and had made every effort that we could at my level to close up the remaining wooden road camps, and we had not been given funds to do that with, and as a result of this fire that claimed the 38 lives, we were given funds to close out the 11 wooden road camps.

Mr. RANGEL. Mr. Wainwright, briefly, what do you think were the causes of the disturbance at Raiford?

Mr. WAINWRIGHT. Well, the No. 1 cause, in my opinion, was the tremendous overcrowded conditions at Raiford. We had, as I said, in excess of 3,500 inmates at Florida State Prison. We had cells with 12 men in them, with one commode and one lavatory. We had tremendously overcrowded conditions. We had a shortage of personnel, and that coupled with the fact that we in the division had been going before legislative committees, pointing out these problems, pointing out the discrepancies in our system, the medical problems.

I had been before the legislature on two occasions, and even went with charts and graphs and information showing what our medical problems were. And the day before the riot, I was doing the same thing, and they, of course, felt they were legitimate complaints. And they were.

Mr. RANGEL. Then you do not attribute the riot to reports made by certain reporters or columnists, do you?

Mr. WAINWRIGHT. You don't do what?

Mr. RANGEL. You don't attribute the trouble at Raiford to newspaper reports by certain columnists, do you?

Mr. WAINWRIGHT. Well, I don't know what the background of your question is, so I don't know how to answer it.

Mr. RANGEL. Well, you heard the remarks made by some of your people in Florida that Jack Anderson and his stories were responsible?

Mr. WAINWRIGHT. I think he contributed to the disturbance; yes.

Mr. RANGEL. Have you publicly stated that?

Mr. WAINWRIGHT. I have.

Mr. RANGEL. And the extent of his contributions was what?

Mr. WAINWRIGHT. The extent of his contribution was that his investigator went in and published reports that were not true. He made no effort to verify the statements that were made and he gave no indication that any effort was being made at all to correct the problems that exist in our system in Florida.

Mr. RANGEL. Do you believe the readers of Jack Anderson's column were involved in this problem that you had within the institution?

Mr. WAINWRIGHT. No; I don't believe the readers were.

Mr. RANGEL. Well, who would Jack Anderson influence; the inmates?

Mr. WAINWRIGHT. Right. They are the ones that caused the disturbance.

Mr. RANGEL. My last question to you concerns the treatment of inmates according to their color. Do you find any difference in the treat-

ment—perhaps I should ask the major, who is closer to it. Do you find any difference at all in the treatment of black inmates as opposed to white inmates?

Major McKENZIE. No, sir; I don't think I find any difference in treatment. As a matter of fact, I just had a meeting with my black officers on the staff last Monday, and discussed this with them. And it is a concern that always has been a concern of the entire department. It is one of my great concerns. It is an area that has to be studied because we are asked this time and time again.

I find virtually no difference, I guess, in the treatment of the white inmates or the black inmates.

Mr. RANGEL. You recognize one of your former officers testified yesterday that there was a marked difference in the way guards treated the white inmates as opposed to the black inmates. And in addition to that, a few of the inmates, at least one that was recently discharged and is on the way to rehabilitation, said there was no question in his mind—and he had spent 16 years at Raiford—that there were certain jobs that a black could never aspire to have, and that the better jobs went to the white inmates.

I assume that you disagree with his testimony?

Mr. WAINWRIGHT. I think that the span you are covering is too long a period. Sixteen years ago, yes, there was a difference.

Mr. RANGEL. No; I didn't make myself clear. He had been an inmate for 16 years. He has recently been discharged.

Mr. WAINWRIGHT. But in the last several years, we have been making every effort in Florida to treat people depending on their need. Our classification is designed to classify people depending on their need, regardless of color. And our efforts in placing them in school or placing them in other areas of work is to place them depending on their need and their expertise in whatever areas they are, carpenter, or metal.

Mr. RANGEL. As far as the placement in cells then, there is no distinction made by color?

Major McKENZIE. None.

Mr. RANGEL. The whites and blacks are just assigned to cells, and the prison could be considered integrated, as relates to the prison population?

Major McKENZIE. The institution is totally integrated.

Mr. RANGEL. Thank you.

The CHAIRMAN. Mr. Wiggins.

Mr. WIGGINS. No questions.

The CHAIRMAN. Mr. Brasco.

Mr. BRASCO. Mr. Chairman, I am sorry I am late, but I was over at the Banking and Currency Committee where we finally passed out the economic stabilization bill. I did not have an opportunity to hear the witnesses, so I will just pass.

The CHAIRMAN. Very good.

Mr. Mann.

Mr. MANN. No further questions, Mr. Chairman.

The CHAIRMAN. Mr. McKenzie, were you in charge of the detail which fired at the inmates in the yard?

Major McKENZIE. Yes, sir; I was given an order to clear the field.

The CHAIRMAN. Do you know of any other institution in the country in late years, where the authorities have fired shotguns or pistols or rifles, or any sort of weapons, at inmates who were unarmed, simply for the purpose of getting them to move from one place to another.

Major McKENZIE. Only the testimony that I have heard during the Federal hearings in Jacksonville by Mr. Wilkerson and some others.

The CHAIRMAN. Where else did that same thing occur, if anywhere?

Major McKENZIE. I cannot recall exactly now where Mr. Wilkerson testified that he used firearms, but I do recall that it was inside the building.

The CHAIRMAN. Did you know of any other institution in the country where that was done?

Mr. WAINWRIGHT. Mr. Chairman, Mr. Wilkerson, who testified in Jacksonville, indicated that he had in the Federal prison system, they had used firepower in a similar matter, except rifle fire instead of bird-shot, to require inmates to return to their cells.

The CHAIRMAN. Who did?

Mr. WAINWRIGHT. Fred Wilkerson, Assistant Director of the Federal Bureau of Prisons at that time.

The CHAIRMAN. He testified that the Federal authorities fired rifles at prisoners to make them go to their cells?

Mr. WAINWRIGHT. That is right.

The CHAIRMAN. Where did that occur? When?

Mr. WAINWRIGHT. I have to get you that information. I don't really know. But he testified to that in Jacksonville.

The CHAIRMAN. You are in charge of riot control for Florida, aren't you, Major McKenzie?

Major McKENZIE. Yes, sir.

The CHAIRMAN. Have you not been able to develop any techniques that would enable you to coerce the inmates to move from one part of the institution to another, other than shooting at them with shotguns?

Major McKENZIE. Yes, sir. We studied and practiced various techniques. We considered water pressure, we considered use of our institutional trucks that night. Of course, we had a very serious threat of arson in our east unit and in the other parts of the institution, plus the wind disadvantage for the use of water. Plus running the risk of having our own fire trucks destroyed if we brought them inside the institution.

We considered the use of canine dogs. At the time we only had three canine officers and were very reluctant to put those officers on the field with 750 inmates. We also considered the use of gas. We were also at a disadvantage there because of the wind direction, and the velocity of the wind.

The CHAIRMAN. And you have not been able to devise anything more modern than that?

Major McKENZIE. Yes, sir. We think we have better trained emergency platoons now. We have a fully equipped emergency platoon. We have been able to get some equipment as a result of stepped-up training and some requests. May I say some additional requests.

The CHAIRMAN. Well, I was pleased to receive a statement you made, Mr. Wainwright, about your proposal to improve conditions. We are all aware of the financial limitations you have in trying to do the right

kind of job. But I think you must be held accountable for the attitude of the guards, for the policies that you pursue, for the treatment of the men with respect and fairness. I do not mean to coddle them, I do not mean to indulge them, but you would not want our State to stand before the country convicted of having men in authority pulling men out and beating them in their cells or arbitrarily subjecting them to punishment without any disciplinary procedure being filed?

It may be just a question of time if the Federal court order that was issued in Virginia should become prevalent over the country, where the prison institutions will have to follow certain definite procedures that provide for protection against disciplinary measures or against punitive measures on the part of the authorities.

And where one individual official can just go around and decide on his own when he beats anybody up, when he shoots them with mace and the like, without having any kind of a procedure and adjudication, et cetera. I would not think it would be in the interest of maintaining the best attitude on the part of the inmate and getting the best cooperation from the inmates, or even, for that matter, maintaining the most effective discipline.

You said to Mr. Wiggins a minute ago you did include the possibility of using Federal money if you could get it, for constructural expenditures?

Mr. WAINWRIGHT. Yes, sir. Providing there is some control on the type of structures. I would certainly recommend against large—

The CHAIRMAN. Do you think that should be encompassed within the authority of the Federal Government, the funds the Federal Government might provide?

Mr. WAINWRIGHT. Yes, sir.

The CHAIRMAN. Thank you very much, Mr. Wainwright and Major McKenzie for your testimony.

Mr. WAINWRIGHT. If I might comment on your last statement a little bit, we certainly agree that we need to be more responsive to the needs of the inmates and we are doing that in Florida.

As I mentioned in my earlier testimony, we are moving from the traditional disciplinary committee to the team treatment approach, which involves more people, with inmate problems. Not only disciplinary problems but the goals that he needs to accomplish while he is in the institution.

But I think we must maintain control of the institutions if we are going to operate them.

This morning, I might add, we had, about 3:30 this morning, six armed people take over one of our road prisons from the outside. They approached the road prison with shotguns, masks, and gloves. We don't know whether they were white or black. They tied up two officers, went into the institution and kidnapped a prisoner and took him against his will, allegedly. They took about \$300 from the canteen. They took officers' billfolds, two shotguns, and 38 pistols, cut the telephone lines, and radio lines, and left.

So we are having a little bit of interference from the outside, too.

Mr. RANGEL. You said that with a smile on your face, as though this is to justify the shooting of unarmed people who were on an athletic field, not committing sexual assaults on each other, not attempting to escape, and not destroying some menial property which you may find on a baseball field.

And to use this example as a reason to justify it, especially in view of the fact that you did not see it necessary to take any more serious reprimand action against the people who were responsible for these terrible assaults, seems to me to be rather insulting to this committee. We do not say you don't have problems. But we think, at least I do, the example that you just used does not justify the type of firepower that was used on defenseless people.

The CHAIRMAN. I did not understand Mr. Wainwright to use that as an excuse for the shooting of the inmates with shotguns.

Mr. WIGGINS. Nor did I, Mr. Chairman. I did not understand that to be the case either. And I do not wish to associate myself with remarks that at this late date, second-guess the difficult job of correctional officers in maintaining control in a volatile, dangerous situation.

I suppose it is inevitable that legislative bodies and perhaps even judicial bodies must exercise their oversight to see that excesses are not committed, but frankly, Mr. Chairman, the job that confronts these officers, given a mob of 750 unruly prisoners, is not an easy one. And to hold them up to a strict standard of prudence as we would view it from our comfortable perspective is unreal, it seems to me.

I do not necessarily condone shooting prisoners with birdshot, but I would not be willing to say that there are no circumstances when shooting prisoners in the backside with birdshot would be justified.

Mr. BRASCO. Mr. Chairman, if I may.

The CHAIRMAN. Mr. Brasco.

Mr. BRASCO. While I did not hear all of the testimony and obviously all of the questioning, if I may, Mr. Wainwright, and Major, I would like to clarify some of the problems that the committee has been going through. What happens very simply is we are presented with a system of rehabilitation in our penal institutions which has not worked.

I think it is safe to say that by the statistics with respect to recidivism, and I think we have tried this kind of approach since the—well, ages ago, so to speak.

What we really find out, very simply, is that when we get into an area of trying to find out what is inside the prisons all kinds of excuses are made. I heard some comment that a column written by Mr. Anderson had something to do with the disturbance. It is totally, as far as I am concerned, an ineffective response to say that. The only way the public can get to know what is going on is to let them in or let the news out. We see the effects of crime in the streets, but we must understand we have to rehabilitate those people who are apprehended and convicted before we can make any major progress toward eliminating crime.

And if Mr. Anderson writes a column to allow the public to know the dreadful conditions inside penal institutions, I think it is totally unresponsive to say that is the kind of thing that leads to rioting. We do not know that any of those inmates buy the newspapers or have an opportunity to buy the newspapers, or even read Mr. Anderson's column. I think that his function was to let the American public know what was going on, so that we can work for change.

I think that is the kind of thing that may sidetrack the real problem—what can we do to go toward reform.

Interestingly enough, the fact that inmates were fired upon, the fact that there was some ventilation shafts closed off, the fact that there is

bad treatment, while that happened during disturbances, it would certainly, as one who has practiced criminal law for some 10 years before I came to Congress, on both sides of the fence, give me ample reason to believe some of these things were going on before disturbances.

Nobody comes into this situation with clean hands, so to speak, as far as I am concerned. The inmates are there because they committed crimes. The guards, while they are trying to do a job under limited circumstances and limited training and limited moneys, have the same kind of problems in that their responses are not adequate and no one can tell me that the whole thing is pure and clean. And that is what we are trying to find out, where these mistakes are, what we can do to correct them, not to insult or degrade anyone in any official capacity personally.

That is what I wanted to say. Thank you very much.

The CHAIRMAN. Mr. Wainwright, we appreciate your coming, and Major McKenzie, too. We appreciate the candor with which you have answered a lot of the questions, even though some of them were not altogether happy responses that you had to make. We hope we can help you to realize some of the proposals that you have included in your statement.

Thank you very much.

Our next witness is Dr. James Bax. Please be seated.

Dr. Bax became the Commissioner of the Community Services Administration of the Department of Health, Education, and Welfare in June 1971. This agency was established in September 1969 as a major component of the Social and Rehabilitation Service.

Dr. Bax came to Washington as the CSA Commissioner from Florida where since July 1969, he was secretary of the department of health and rehabilitative services, the State's largest governmental agency, employing 24,000 persons. Major divisions of the department included adult corrections, health, family services, youth services, retardation, mental health, vocational rehabilitation, and alcohol and drug abuse.

Dr. Bax visited prisons as Secretary of the Department of Health and Rehabilitative Services of Florida, and will discuss prison conditions, his suggestions for alternatives to prison, and postrelease programs such as halfway houses.

Dr. Bax, we know you have waited here all day to be heard. We appreciate your waiting.

Would you like to insert your statement in the record and then summarize it, Doctor, or how would you like to proceed?

STATEMENT OF DR. JAMES A. BAX, COMMISSIONER, COMMUNITY SERVICES ADMINISTRATION, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Dr. BAX. I would like to cover my statement now. My statement is relatively brief. I would like to read it for the record and then I will subject myself to any questions you may have.

The CHAIRMAN. You may proceed.

Dr. BAX. As secretary of health and rehabilitative services, my responsibilities included health, welfare, vocations rehabilitation, retardation, corrections, youth services, drug abuse, mental health, and related health and social services of the State of Florida from July 14,

1969, until June 13, 1971. I served in this capacity under both Governors Claude Kirk and Reubin Askew.

Specifically, the department's division of corrections is administered by the director of corrections who serves at the pleasure of the Governor and subject to confirmation of the State senate.

Since I do not now have access to the records of events that transpired during my tenure as secretary, my remarks are based on my best recollection of the events that transpired.

At this time I am not prepared to represent the views of the administration, but only those of a former official of the State of Florida—5 months departed. Nor am I here to rehash, decry, or defend the actions taken within the division of corrections on the occasion of the disturbances at the Florida State Prison at Raiford last February, an incident which received wide public attention. I personally urged full subsequent investigation of the incident. The conclusion of the investigating grand jury was that there was no indictable criminal conduct on the part of either inmates or prison officials, but it decried the indiscipline and apparent bankruptcy of leadership on the part of those in authority, which allowed unnecessary use of force and firearms in quelling the disturbance.

It seems to me that if I can be of any use to you in your deliberations it will be to the degree that I can objectively look back and answer the question which I must put to myself: How did such an incident occur? And more importantly: How could it have been prevented? Since I no longer have a personal investment in that correctional system, I can at least attempt objectivity.

In my view, it is ultimately rather futile to pick over the carcass of a dead disturbance in order to locate the bone of contention—to fix the blame on some person's act. Certainly I believe that an illegal act of force by either inmate or guard should receive due process of law. But this does not really deal with the cause of the disturbance. A prison disturbance is not a one-time event, a chance occurrence, or an unfortunate temporary loss of social control. It is only one link in a long chain of institutional events, reaching back to the original goals and purposes for which the institution was founded. A prison riot, or disturbance, is part of the ongoing institutional reality, a reality which is lived day in and day out by the inmates and the guards. However, there is one unique aspect to a prison disturbance such as the one I experienced. It provides to the public a flash picture of prison life. In one brief episode it brings to light the latent resentment, the repeated confrontations, the meaningless demands, the arbitrary responses, and the human degradation which are part of this institution we call "prison."

What is important is not so much what we see during this brief instant in a prison's life, but the very fact that this is the only time that the public sees into the prison at all. In fact, it is the only time that some of the top public administrators and lawmakers see into the prisons. In my experience, prisons not only keep the inmates in, but they usually keep the public out. They are indeed closed systems. They are often incestuous bureaucracies existing unto themselves. Their budgets are stoked by legislators, not on the basis of the numbers of citizens they rehabilitate, but on the numbers of prisoners they keep quietly tucked away out of circulation. Prisons thrive in the

darkness, free of public scrutiny. How they can be deterrents to crime when they are invisible is a riddle that has never been answered.

In his book, "The Republic," Plato asked, "Who guards the guards?" In many ways we Americans have built a working model of Plato's ideal republic. We have systems of checks and balances throughout our governmental system. But prisons somehow seem to fall outside that practice. In the absence of public scrutiny, arbitrary treatment of persons by those in power goes unnoticed.

Prisoners' complaints about unfair treatment are often presumed fallacious until proven true, except that the opportunity to plead his case is often denied to a prisoner by the administration which he is accusing. The Raiford incident began with a simple list of prisoners "wants" developed in a democratic fashion by a group of prisoners. The prisoners' "want list" was almost entirely consistent with the "want list" which the State administration had proposed for the prisons. In fact, some of the prisoners actually believed that they were helping the administration achieve its goals, as publicly stated.

They are: (1) More parole; (2) better medical care; (3) lockers and chairs; (4) more vocational rehabilitation; (5) conjugal visiting; (6) more black guards; and they wanted an expanded list of services in the canteen, such as peanut butter.

From this beginning a bitter confrontation eventually developed. Who was at fault—the prisoners or the closed system?

My basic recommendation, therefore—and one which has many ramifications—is that everything possible must be done to open this closed system up to public scrutiny. If the public wants to maintain and expand prisons, it should see how much rehabilitation is occurring in them. It should know the recidivism rates. It should know the cost of warehousing people outside the community. It should judge how successful imprisonment is in removing hostility and antisocial feelings and in changing behavior patterns. The public should decide what purpose is served by shaving men's heads and otherwise squelching their manhood and self-respect.

But that will be only part of the answer. The system itself must be structured in such a way that it contains a balance of powers. Institutions are by their nature self-serving. Institutions are amoral. They are socially irresponsible. They are inherently power hungry. As every legislator knows, they are always hungry for more public money. In short, institutions are lawless—they themselves must be constantly controlled and rehabilitated. The prison system is no exception. You cannot create it and feed it and expect it to remain good without further attention. It must contain within it the mechanism of self-evaluation and reform—its own system of checks and balances.

Of what would such a system consist? Let me briefly detail a few checks and balances, most of which I attempted to introduce into the Florida prison system while I was there.

First: There should be a system of legal services during the process of intake into the correctional system, especially for youth. Prisoners should have some recourse regarding proper placement within the correctional system so as to best achieve rehabilitation. Lumping of hard-core offenders and first-timers—especially youth—must be stopped. There must be some form of selective treatment. The alternative is to have reform schools which are high schools of crime, and

prisons which are the colleges of criminality. Legal services of the sort I propose would not function just to get people off the hook. They would work from within to force constructive action out of the system. While I was secretary of health and rehabilitation in Florida, we developed what has been described as the finest delinquency prevention system in the country. This included a statewide system of aftercare, intake, counseling, community based halfway houses and grossly improved institutions. In Florida we proved it could be done with the youth programs.

Second: There should be outside objective appraisal of prisoner complaints. Prisoners' letters would never be returned to the warden for discretionary action on his part, until fair hearings had been impartially supervised.

Third: There should be internal controls on authoritative action. The guards should be carefully supervised. But more important, they should be trained according to nationally standardized criteria for proper correctional procedures.

Fourth: There should be regular evaluations of prisons by impartial, skilled evaluators, and these evaluations should be publicized within the State. There should be a policy of public openness and co-operation with the news media, just as other political and public institutions now observe.

Fifth: There should be a policy of rotation for top correctional personnel. Appointed administrators should be regularly rotated between institutions, if not regularly relieved of all prison supervision. It is imperative that no administrator come to view a public institution as his possession. He must be known and judged as a public administrator, not as the baron of a fiefdom.

Sixth: The improper and unnecessary flow of persons into the prison system must be stopped. Bail reform is long overdue. Judges send men to prison, in many cases, because they have no alternatives in the community—because imprisonment seems more appropriate than parole—though neither may really be in the best interest of rehabilitation. One approach to a solution here is to develop a broadly based correctional intake and halfway-house system. Rehabilitation screening, together with institutional alternative to prison, would at least prevent the most glaring misplacement of convicted persons. Such screening would eventually force the issue of selective treatment. After all, sex offenders are not dope pushers, are not pot smokers, are not bankrobbers, are not white-collar embezzlers. Let me emphasize that community alternatives are not simply the local jails. Out of 3,300 city jails, 85 percent lack educational facilities, and 50 percent lack medical care. That is with the cities in this country with a population of over 25,000. Education and medical care are part of the needed community alternatives to prison.

Seventh: We should judge public correctional systems in terms of public confidence in their products. In Florida we used vocational rehabilitation to set up computer programming courses in the prison. Then we hired some of the graduates ourselves, throughout the 24,000 employees union of the human resources agency that I headed. In the first 6 months of my tenure as secretary of health and rehabilitative services, we increased the vocational rehabilitation program by 100 percent. This is an HEW program that provides the States 80-percent

money for this purpose. We found, however, that in 63 different fields, ex-felons are blocked from State employment. This barrier must be removed. And I might add one of my key aides in my office was working while he was stationed in a road prison. He since has been paroled and he was an excellent employee.

The CHAIRMAN. Doctor, while we are there. I heard a former inmate speaking on a panel in Philadelphia recently say that he was a barber in the institution, but when he got out he could not practice barbering because he could not get a license; he was not a citizen on account of having been an inmate in a correctional institution.

In Florida today what obstructions are there toward a person released from one of our correctional institutions getting employed by either public or private?

Dr. BAX. Again, in State government, there are 63 different fields where they are blocked from State employment. However, at the Florida Correctional Institute at Lowell, which is the women's prison, the Florida State Board of Cosmetology cooperated in a joint prison program to train beauticians, cosmetologists, and help them secure employment upon release.

So there is good effort being made, but still the barrier is larger than the successes.

The CHAIRMAN. To become a barber or a beauty operator or even engage in almost any other profession in Florida you have to take an examination. And as I understood it, you have to be a citizen in order to take such an examination.

But in Florida, a released inmate does not become a citizen again until the Governor restores his citizenship; does he?

Dr. BAX. I believe it is up to the court to restore citizenship. I may be mistaken, however.

The CHAIRMAN. I do not know. I know in the Federal system you have to get a restoration of citizenship by——

Dr. BAX. It is the pardon board.

The CHAIRMAN. It is the pardon board. How promptly, upon release, does the citizenship follow?

Dr. BAX. There was some legislation—I do not know what the outcome was—to reduce the time when citizenship rights were to be restored. That is not the primary problem, though. The problem is having been a convicted felon, after your citizenship is restored, that you still have difficulty getting employment in many fields, regardless of the nature of the offense.

The CHAIRMAN. Mr. Wainwright, do you know whether or not the parole board promptly grants the restoration of citizenship to a released inmate?

Mr. WAINWRIGHT. Right.

Mr. Chairman, this last session of the legislature since Dr. Bax left the State, we were able to get through legislation which removes the prohibition of hiring ex-offenders in any State employment. It is on an individual basis now. That can be considered the same as any other criteria for employment.

The CHAIRMAN. Would that permit one to become a barber or a beauty parlor operator?

Mr. WAINWRIGHT. Yes; we now have some of our people actually attending barber college and, as we mentioned, the cosmetology pro-

gram at the women's institution is approved by the cosmetology board, and they are taking the State boards now and becoming cosmetology operators.

The CHAIRMAN. Are there any professions that are denied to an inmate of a correctional institution?

Mr. WAINWRIGHT. We have not broken the nursing profession yet, and there are two or three others. But there is no statute now that prohibits it. It is merely a regulation.

The CHAIRMAN. What are the conditions upon which one receives the restoration of his citizenship now from the pardon board after he is released?

Mr. WAINWRIGHT. That in the past has required very extensive procedure of publication in the post office in three places and so forth, but we have all of that removed in this last session. We tried to make it automatic but there seems to be a constitutional prohibition in our State against automatic restoration. But they can apply immediately to the pardon board.

The CHAIRMAN. May I just ask both of you gentlemen this one question. Do you think one's citizenship should be lost when he is adjudicated guilty of being a felon?

Mr. WAINWRIGHT. Mr. Chairman, the only thing he loses is his right to hold public office and his right to vote, and that is about it. I think it should be restored whenever he completes his sentence. It should be automatic, as far as I am concerned.

The CHAIRMAN. What is your opinion, Doctor?

Dr. BAX. My opinion is the same here with Mr. Wainwright's that citizenship ought to be restored upon completion of a sentence.

The CHAIRMAN. Thank you, Doctor; please continue with your prepared statement.

Dr. BAX. Eighth: There should be unprejudiced court decisions and more uniform sentences for similar crimes. I once visited two cell-mates—one was in for 5 years for possession of marihuana, the other was in for 18 months for selling barbiturates and LSD. A study we did in Florida found that judges' decisions are definitely colored by the age, race, and education of the defendants. Arbitrary inequities in sentencing must be removed—and at the same time the sentence must fit the individual.

Ninth: An important human balance consists of a representative racial distribution in the administration of the system itself. In Florida, with a prison inmate population that was over 50 percent black, only four of 598 guards were black—I understand that has improved somewhat—and there were no black parole or probation commissioners. However, the commission itself did employ some counselors who were black.

Tenth: There is need to review all prison rules and regulations—to remove unreasonable barriers to rehabilitation and to revise policies subject to collapse if tested by the courts. All too often the only time regulations are changed is when they have been challenged by the courts.

Real participation of inmates, guards, officers, judges, and others in review and revisions procedure would add immeasurably to the quality and sensibility of the final products.

Florida Judge Richard Kelly, who testified before this committee yesterday, shows the kind of concern for what happens after adjudication that all judges should. Just as doctors must visit a hospital to assess the treatment of patients, so should judges be aware of the treatment which their wards are receiving. They must examine what really goes on within prison fences and then ask themselves at what point a sentence to an overcrowded unmanageable prison becomes cruel and unusual punishment.

Eleventh: A system of paying inmates to do real work while they are incarcerated, with heavy emphasis on community work release, is necessary to bridge the gap between the pen and the community. It is also a better method for support of their families than sole dependence on public welfare. It seems to be a likely method to be used for making at least partial restitution to the victims of the crime committed.

Twelfth: We cannot expect institutions to treat the untreatable—and there are plenty of them, too. We have made little use of techniques already proved successful such as guided group interaction. Moreover, we simply have not discovered methods to treat many of the criminally insane and insane criminals—dependent upon judicial process—the psychopath, child molester, and other difficult degrees of deviate behavior. A far higher level of sophistication in research and treatment development is necessary if we are ever going to begin to reach the more difficult cases. This is not an effort to get criminals off the hook.

Inmates are where they are because of conscious decisions each has made. It isn't society's fault. It's their fault. But after we get them it really becomes our problem to get them to accept the responsibility for their own behavior. If after taking responsibility, if we fail—it becomes our fault, too.

CONCLUSION

Let me conclude in a vein that is more in line with my present job as Commissioner of the Community Services Administration in HEW, that job consists of offering services to those who are dependent or near dependent so as to decrease public dependency and increase individual self-sufficiency. We are attempting to do this by offering in communities alternatives to institutional care. I might add a large part of the juvenile delinquency program in Florida is funded through the Community Services Administration.

For example, we seek to move children from mass institutions to foster or adoptive homes, and to provide the help needed to enable old people to avoid the expensive nursing home as long as possible. What I have concluded since coming to this job is that what we're faced with is the need for institutional reform—not just prison reform, but reform of our whole warehousing approach to segments of our population—the abandoned children, the mentally retarded, the aged, the alcoholics, the mentally ill, and the lawbreaker as well. But even more important, adequate community-based services to prevent delinquency, drug addiction, and other forms of antisocial behavior will do more to reform the criminal justice system than anything we can do once someone is on the never-ending treadmill. Without exception, institutions are less humane, less productive, and much more expensive

than their community-based alternatives. In Florida, we found that the average 25-year-old prisoner had already cost the public more than \$30,000 in court, juvenile probation, and prison expenditures. In all these areas, neglect of timely care always ends up costing more in the long run. Once the facts are understood, there can be no liberal or conservative point of view on corrections—for a more enlightened approach will cost less and work better. When we balance the cost and misery of crimes committed by graduates of ineffective prisons against what a fraction of the cost could have done in a better system—the answers become a little more obvious.

The war on crime is not a war on inmates. It doesn't start with police arrests or stop with court convictions. Prisons—either with riots or without riots—are not a complete answer. They can make men citizens or inveterate criminals. I think it is important that we remember the advice of Carlos Menotti in his play "The Leper": "By failing to make them useful, we have made them dangerous." I believe that's the choice we face.

Thank you.

The CHAIRMAN. Thank you, Dr. Bax, for a very excellent statement.

I am particularly interested in the alternatives you spoke about. In the first place, I was eager to hear from Mr. Wainwright about community institutions that are being used and I suppose some of the urban centers of Florida, to which men may be released and where they get employment in the community and come back to those institutions at night. Is that one of the suggestions that you think should be expanded?

Dr. BAX. Yes; by all means. I think we need to begin looking at the criminal system, however, again putting first things first with the juvenile delinquency system. Because the officers in the correctional system have told me that the most difficult cases are the cases they find are graduates of the reform schools of the State which have since been improved.

It needs to begin there. But it even needs to begin before the kids get into the delinquency system, such as the program we implemented in Florida through a complete statewide intake program, to keep kids out of ever getting in before a juvenile judge. Then we need a complete continuum of care.

The CHAIRMAN. Excuse me. Before they get in the juvenile court?

Dr. BAX. Yes. By direct referrals from schools, families, and others in the community. That is a good beginning point, I think.

Of course, we could go back into the education and some other systems, but I won't do that.

Then there needs to be some alternatives. It should not be either institutions or homes. There needs to be an effort that Florida is developing for foster homes for delinquent children, for group living, for halfway-in and halfway-out houses. Also good sound educational programs in the institutions are necessary because most children who have come there have one common factor, they are all way behind the rest of the kids in their educational achievement.

Beginning with the prison system, there needs to be as I mentioned, a better advocacy system both outside and inside the prison system. There needs to be some group living accommodations for people. There needs to be, for instance, intensive counseling available to judges as

one alternative, perhaps an arrangement with the community mental health center, if that is the case. There needs to be great additions to the number of people in parole and probation so they can do their work. There needs to be some kind of a prison recourse and public information on these presentence investigations and Florida is moving on that. So, a man at least has as much right to see involvement in his sentencing as he does in the adjudication.

There needs to be additional halfway houses. We have recommended for 2 years in Florida that the 19 remaining road prisons be converted into community correctional centers. As Mr. Wainwright noted, two additional community centers have been established, one in Lantana, Fla., and one in Jacksonville. And I might add, apparently, they want in rural areas a large institution because a prison represents a payroll. But the community correctional systems were located in these two cities over the objections of many people in the community who did not want them there. We find the community correctional system represents a threat in many cases to a community, so that is a barrier that needs to be overcome.

The CHAIRMAN. Yes. I think all of us would agree we can see it is more desirable to locate penal institutions in big urban areas than put them out in rural areas.

Dr. BAX. Providing they are manageable and not over a population of 300.

The CHAIRMAN. Provided they are not too large; yes.

Dr. BAX. But there are many different alternatives needed. Now it appears our system has been based on either/or—you are either in an institution, or you are not in an institution. There are many different modes to provide the are back to the community for a phasing-in and phasing-out process.

The CHAIRMAN. Doctor, speaking about the judges, undoubtedly the judges need the opportunity to go to seminars, et cetera, as Judge Kelly suggested here yesterday. I think there is something like that in Reno, Nev., where there is a seminar system in progress. I know of two judges in Florida, one Judge Goodwin in the Miami circuit, and Judge Smith in Elkton, who instituted the assignment of putting men on probation who were convicted in their courts in the community where they would be able to continue to support their families and carry on in a useful manner.

You suggest that the judges should be counseled in trying to find more opportunities and there might well be community institutions like the chamber of commerce and civically disposed people called into the provision of services like that; might there not be?

Dr. BAX. Yes, Mr. Chairman. I might add that on many occasions the division of corrections, at the desire of the department has invited judges to visit the State prison system and that has been with very, very limited success. Judge Kelly is one of the notable exceptions.

The CHAIRMAN. One other question: What latitude do you think should be allowed to prisoners in the writing and receipt of mail?

Dr. BAX. I do not believe—and I recommended to Mr. Wainwright while I was secretary—that we completely do away with any kind of review, opening or censorship of mail, based on the fear knowledge that contraband flows pretty freely between the outside world—the free world—and the prisons, and that I see no reason for it. And I

think if mail is going to be censored, it should not be done by the administration itself, but someone apart from the administration that can be objective and act accordingly on any kind of mail censorship.

I do not believe in that. I do not think it does any good.

The CHAIRMAN. You suggested that there should be a review by the prisons of their own administrative activity, as it were, some way of evaluating their programs.

As the system is now set up, what is the chain of command in Florida, the Governor and then the one who occupies the position you formerly headed, secretary of health and rehabilitation?

Dr. BAX. Yes. And then the director of corrections.

The CHAIRMAN. Now under the director, does he have any kind of advisory board?

Dr. BAX. He does have a prisons industry advisory group that is made up largely of industrial people, who supposedly help support and help along the prison industry program.

The CHAIRMAN. I was just wondering what particular type of system or procedure you would suggest?

Dr. BAX. Well, Mr. Chairman, my feeling is that the prison systems in the country are much like turtles on their backs who really do not have the ability because of the tremendous overload and many internal problems to right themselves. Nor do they have the single responsibility to try to straighten up their own messes. I think it needs a far broader line of involvement.

Now in Florida, there has been a wakening on the part of many young lawyers in the Florida Bar Association. They have been taking it upon themselves. There are some State legislators, such as Senator Meyers, who Mr. Wainwright spoke about.

It has been suggested that the Governor—and I did make the recommendation—appoint a blue ribbon committee to stay on top of the prison system and lead reform of the prison system. Recommendations were not followed in that case. I do believe, however, that Governor Askew is making some very fine and sincere efforts to get actual prison reform in the State of Florida.

The CHAIRMAN. I want to concur in what you said about the efforts of the Governor. I know he is vitally concerned about this matter and I hope we can give him Federal assistance that will enable him to bring about a continuing improvement in our system in Florida.

Mr. Rangel?

Mr. RANGEL. Dr. Bax, I have had the opportunity to review your statement as well as some other interesting material related to the Raiford incident, and I must commend you for the courage that it took to speak out against these immoral acts committed against defenseless people.

I note that you have assumed some new responsibilities. I wish you luck in them, but at the same time, I think that for the State of Florida they have lost a very competent and able person who can bring about some meaningful changes in the State prison system.

But, again, I would like to congratulate you for what you were able to do in the short time that you were there, and I sincerely hope that your new responsibilities will not prevent you from keeping an eye out for those who cannot protect their own.

Dr. BAX. Thank you, sir.

The CHAIRMAN. I want to join in that consideration, not only for what you did in the prison system but in education and health and so many other areas of activity in Florida. The Governor would not turn you over for some time until you decided to come up here, as I understand it. We all noted the excellent job you did in the service of our State. I want to join in commending you for the many fine things you did and, especially, for your coming here today.

Charles, is that all you have?

Mr. RANGEL. Yes.

The CHAIRMAN. Mr. Brasco?

Mr. BRASCO. Well, I want to say that I did read the statement. I am sorry I was not able to hear it all in person, but there are some very, very interesting observations made here and I think they are all valid observations and I agree with them wholeheartedly. I think that is really the crux of the matter in terms of reform, how can we take out the false issues and put all of the true ones together in a manner that makes sense.

It is a very complicated situation to get the kind of balance which you have discussed.

You work with HEW now?

Dr. BAX. Yes.

Mr. BRASCO. How long have you been there?

Dr. BAX. Five months.

Mr. BRASCO. And what was the state of the art, so to speak, that greeted you when you got there just 5 months ago?

Dr. BAX. At HEW?

Mr. BRASCO. Yes, in connection with what we are talking about today.

Dr. BAX. I am trying to think. I think we have a tremendous opportunity in the agency that I am with to change the emphasis in this country in the area of our whole social services system from one of institutional care to one of community care. We can take some things going on in this country today, such as the increase in child care, some of the developments of foster home care, the Florida delinquency system, things going on all over the country, with the use of these funds and I think we are seeing a payoff now in the reduction of dependency.

We are seeing a payoff now in being able to prevent at an early stage through programs as foster care, child services, and through preventive delinquency systems.

I think Elliott Richardson is the finest administrator in Washington and it is a great pleasure to work for him, because he is indeed committed to these goals.

Mr. BRASCO. Let me ask you this. When you were in Florida, Dr. Bax, what was your title?

Dr. BAX. Secretary of health and rehabilitation services.

Mr. BRASCO. For the State of Florida?

Dr. BAX. Yes, sir.

Mr. BRASCO. Employed by the State of Florida?

Dr. BAX. Yes, sir.

Mr. BRASCO. And in that position, your role would be in the area that we are discussing today; is that correct?

Dr. BAX. The division of corrections was one of the eight major divisions of State government for which I was responsible.

Mr. BRASCO. Right. Then I would venture to say that from the ideas that you expressed in your statement today, that you would have been at that time in Florida in direct conflict with some of the things that were going on in the various penal institutions throughout the State; is that correct?

Dr. BAX. That is correct.

Mr. BRASCO. Did you make these views known then, that you made known to us today?

Dr. BAX. My statement was largely based on previous statements that I had available, that I put together. There is very little that I have not said before contained in the statement.

Mr. BRASCO. Right. So that again it is fair to say that in your capacity as secretary in Florida, all of the statements that you made went unheeded and no action was taken in connection with any of them?

Dr. BAX. No, sir; that is not correct. Many of the recommendations I have made—at the beginning of the statement I said many of these have been implemented or are being implemented now in Florida.

Mr. BRASCO. Was that before or after the disturbances?

Dr. BAX. Some were before such as the work-relief program. Though, actually, I wasn't around that long after the disturbances. I don't know.

Mr. BRASCO. Would you say that there are more attempts now that the disturbance has taken place, as opposed to what was going on before the disturbances?

Dr. BAX. Well, the reforms, in my mind, were getting underway, getting well underway although not complete. Many of which really are not getting to the basic problems, but the reforms we see now were underway before the disturbance. And if anything it is my feeling that the disturbance is counterproductive. It is not as popular today, politically, at all in Florida to be for prison reform as it might have been if the disturbance and some of these other events had not happened.

Mr. BRASCO. I know that that is something that we often hear, but to be quite candid with you, I have really great confidence in the American people in terms of once they know what the facts are inside the prisons, and are really educated in terms of what the prisons are and more specifically, what they are not doing in terms of their mission. I do not know how unpopular this thing is going to be.

The sad thing about it is it is unfortunate these disturbances and injuries and killings and burnings and destruction of property have to be the thing that brings the problems that we are talking about today to the attention of the public. That is why I suggested before that articles like Mr. Anderson's and other reporters throughout the country who have done these things serve the public very well.

Well, let me ask you, do you agree with that?

Dr. BAX. That is included, I think, quite precisely and specifically and explicit and implicitly in my statement. I concur with it.

Mr. BRASCO. We have often spoken about an ombudsman program. Do you think that the press might be an adequate vehicle to fit into that kind of situation in terms of certainly their ability to get to the American public in the media with reports of what they observe in our penal institutions?

Dr. BAX. I think they are performing that job. However, there are administrative procedures that many times preclude entry by the media into the prisons. I also recommended that any last vestiges of that barrier be removed to allow free ingress and egress and communication with anyone in the prison system.

Mr. BRASCO. Let me ask you this: On page 2, Doctor, you state: "An illegal act by either inmate or guard should receive due process as well." And I am sure that you will get total agreement on that.

Then you go on to say, on page 3, "Who guards the guards?"

Of course, those two things are obviously intricately woven together, and the real problem when you get to discussing this kind of an issue, is that most times it evolves around the question of blame; and when we discuss it in that particular vein, most people become defensive and want to justify whatever position they take.

But suffice it to say, just as a matter of theory, do you have any suggestions to what kind of machinery could be created? What is done when a guard unjustly strikes an inmate? What does he do? Do you have suggested machinery to implement what we are talking about?

Dr. BAX. Congressman, I personally addressed this situation many times in some of my most uncomfortable moments, occupied not only in prisons but mental hospitals with delegations from patients about something they alleged had happened. My recourse as an administrator was limited to either doing it myself, having some aide do it, and I would get hundreds of these kinds of things per month, or else put it right back to the system, against which allegation was made.

Many times it was in a mental hospital that the person on that ward who the patient was complaining against would be the one that would draft a letter for her boss, who would pass it on to her boss to his boss to the director of the division, and it would come to me for signature. That does not work.

Now, there are some answers that I have recommended. One would be a system of inspector generals who would report directly to the secretary with concurrent reports to the Governor for that matter, who would look into all these types of complaints.

Another point I think that we saw in Florida was where a prison inspector, Mr. McLendon, took a part in quelling the disturbance out in the field.

I do not think it is proper procedure to have a prison inspector involved in quelling the very disturbance that he must be called upon to investigate at a later stage. So there was a recommendation that I made to the Governor, and I understand he has passed it on to the legislature, that the prison inspectors report directly to the secretary of the department with concurrent reports to the Governor.

I think another thing that we ought to do is to open up the communication. And this kind of comes along the same line with mail censorship, with attorneys, with counsel. We ought to allow a little more flexibility in who the inmates can see. Some of the frustration comes about because there is no recourse, and we might get down to some more basic issues, why would a guard slug a prisoner in the first place. And we get down to some of the other problems you are talking about.

But this is all after the fact. It is like discipline. It is not imposed from without, but it is something that has to happen inside an individual.

Mr. BRASCO. Well, to answer from my own experience, you are dealing with human beings, and that is what the problem is. The problem is really, on one side, an inmate has no ability to avail himself of any recourse, and, on the other side, the guard who is just as human, who reacts to the situation that confronts him, is protected with the cloak of law. And this is really the problem. I do not know if it is capable of being solved or incapable of being solved, but I do join with you, it is a very frustrating experience.

But I know in order to make the prisons more responsive, as we all indicate, that is one of the things we have to address ourselves to immediately.

Dr. BAX. But one of the key issues is that the prison systems in this country are not the owners of the prisons. They are not the owners of the inmates. They are the mere custodians. They merely administer a public institution.

Mr. BRASCO. Would you rotate the guards, also? I noticed in your statement you said, "rotating the supervisory capacity." Would you rotate guards, too, because that presents in my mind another kind of a problem?

Dr. BAX. Well, as overall administrator, I wrestled with this issue. It is a tradeoff between rotating correctional officers who can establish good working, trusting relationships with inmates, and in whom they have confidence. In rotating officers after this kind of a bond has been established, however rare it might be at times in a prison, that might be counterproductive. In the overall, it seems, yes, that would be advisable.

I think Dr. Fox might be able to give you a better decision on that.

My recommendation that prison administrators be rotated and be changed has been implemented. That is underway and has been underway in the State of Florida.

Mr. BRASCO. One last question. I suspect an inmate in a prison can take a lot of what he might consider to be personal abuse, if he knows he is working in some direction. By that, I mean if he knows that he is being provided training so when he is released from prison he is able to integrate himself economically. He must be able to work.

One of the most debilitating things I have found is that a prisoner carries a previous record with him even after he serves his sentence, and that is the first question that is asked as soon as he applies for a job.

I am wondering whether or not that serves any useful purpose, when we know that it really denies him the opportunity to get employment in the kind of areas that he would want to seek employment and the kind of areas that, obviously, would pay him the better money for himself and his family. And weighing that against the benefits, if any, of continually being made to carry the burden of a previous conviction.

Personally, I feel we should do away with it and I think we have to discuss that. I was thinking specifically of nonviolent, first offenders. We should get an idea of what the work experience would be with them if we did away with the public record so they could answer "no" to that question. What do you think of that?

Dr. BAX. I think Friedrich Nietzsche put it pretty well when he said: "Man can put up with almost anything as long as he has a reason why." Too often we have taken away the reason why and this is reflected in the frustrations we see in our institutions.

I did discuss earlier with this committee the efforts I have made as an employee of the State of Florida to hire people.

Mr. BRASCO. I don't mean to interrupt, Dr. Bax. I take it by your answer that you don't agree that we should go along that road.

Dr. BAX. I agree wholeheartedly, but this is something to become a reality when we put the kind of resources, and we look not just at the front end of the criminal justice system, arrest and conviction, but we look at the whole of the criminal system and we recognize the impact on this end and the tidal wave effect on this end, and do not swamp the system. If we can start producing a good product that can be done. Then the public is going to recognize and begin to have faith in the system. They will have faith in the output. But it is not there now and the reasons are pretty obvious why it is not. We have been failing to do the job that is necessary to accomplish what you want to do.

Mr. BRASCO. I agree with you, except that we have to break through somewhere. I suppose it is up to those of us who are in the public capacity to not only attempt to legislate but to provide the moral leadership that is necessary to turn this thing around. Because you have got to begin somewhere. It is very nice to say we should have a nice finished product, but someone has got to make it.

And one of the ways we can make it, in my opinion, is doing some of the things we are talking about today, specifically, many of the things you mentioned in what I consider to be a very fine statement. All of us in all of our individual capacities have to recognize that.

I think about 9 years ago there was a study on prison reform. Is that right, Charlie?

Mr. RANGEL. There is always a study.

Mr. BRASCO. It is in somebody's closet somewhere. And now this committee has gone forward under the leadership of the distinguished chairman, Mr. Pepper. We mean business. We do not want to make the witnesses feel uncomfortable. We do not want to assess blame, but we want to find out what is going on so we can genuinely try to go to our colleagues in the Congress and the Senate to try and get some of these suggested reforms accomplished.

Dr. BAX. We did hire many of our personnel of the department of health and rehabilitative services from the ranks of our prison population. Staff doing legal work, computer operators, keypunch operators and it was a policy of our department to try to seek out and employ those who had been successfully rehabilitated by our division of corrections. It was something I pushed and something I talked about and something that I would recognize as being a good accomplishment when any of our people did it.

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Dr. Bax, your agency when you were in charge as secretary, theoretically, was in charge of the prison system; is that correct?

Dr. BAX. That is correct.

Mr. RANGEL. I know we are all looking to have some faith in the system but I ask you, how can you have faith in a system which was indirectly under your control when 1,350 men find themselves in an athletic field, with the consent of the prison authorities, and are fired into directly—with direct fire—because the authorities thought they were going to commit sexual assaults on each other?

It reaches a point somewhere, in an open baseball field—you know, the last warden we had testify said it was a Communist conspiracy.

Now we have another warden saying that Jack Anderson has created a major part of the problem. Now, they had to shoot at these people because they had the propensity to assault each other sexually.

How can you have faith in that type of system?

Dr. BAX. My positions on the subject have been well-known, have been well-publicized. I do not have faith in what happened. I do not have faith in what happened at the Florida State Prison. I never represented that I did. That was most unfortunate.

I do not have faith—I think as my testimony will reveal—in our current correctional system at all. It is not doing much of anything except as being colleges of crime. So my answer is I don't have faith in it.

Mr. RANGEL. Well, we had many people who testified that blacks and whites are not treated the same way by prison officials, those people had no reason to lie about it. We had whites who were discharged from prison and were well on the road to full rehabilitation and with successes in newly acquired skills. Have you had a chance to go into Raiford and find prisoners being treated equally and given the same opportunity?

Dr. BAX. In my opinion, based on what I have been told, Raiford has been represented to me by people who report to me as being basically a segregated institution. Now, it may have changed in the last 6 to 9 months. Some of the reasons that were given to me for this was some of the—well, just a lot of reasons I suppose.

Mr. BRASCO. Would you yield for one comment at that point?

Could you elaborate a little further on what you mean by "segregated"?

Dr. BAX. You can segregate people on the basis of the nature of offense, by age, by cutting it a lot of different ways, or you can on the basis of race. I assume we are saying segregated by race.

Mr. BRASCO. That is what you were talking about?

Dr. BAX. I visited the institution on many occasions. They eat together. I think there is some selectivity on who gets what job to do, who gets to work where, to get the educational courses, who doesn't. Obviously, it seems to me that the efforts could have been greater and I take partial responsibility for this. There should be more black employees at all levels of the institution.

I think we have come down the road, as may have been suggested, in desegregating our institutions, but we are a long way from achieving the ultimate goal.

Mr. RANGEL. Well, I think we have to say that when you can recruit guards only from the immediate surroundings it is natural to assume the local salaries available, that these guards will have the mores and prejudices and biases of that particular town. It is just tragic that inmates after being convicted by a court of law, would find themselves being pulled out and beaten, and then finding the guards who have done it have been verbally reprimanded. I cannot think of anything more un-American, and I cannot have confidence in a system that condones it by not taking any action against those very same people who have the custody of human lives in their control.

I just regret that the courage you have shown in reports I have read, in speaking out against it officially, that voices like yours are not as

loud as those directly involved with the custody of people in the State of Florida.

The CHAIRMAN. Dr. Bax, I just want to ask you one question. We have the problem of vocational training and education of inmates in institutions, and then also assisting them to get jobs when they get out.

Are inmates of correctional institutions eligible now for jobs under the manpower training program by the Federal Government?

Dr. BAX. Yes, sir. In fact, some of the more successful programs going on in prisons today are programs being sponsored by the Department of Health, Education, and Welfare, and the Department of Labor. The Manpower Development Training Act provides a number of slots and has been used both in adult corrections and youth services, in both cases successfully.

The CHAIRMAN. It would seem to me that the States would be taking advantage of the Federal programs to provide a limited amount of money available.

Dr. BAX. Of course, the funds are limited. It is a fixed appropriation. However, Florida is taking a great step forward in moving some of the programs to community facilities where a lot more of these type of activities, for instance junior colleges, and ongoing State programs, are also available.

The CHAIRMAN. We can talk to Dr. Fox about that, but one of the witnesses before you mentioned the desirability of the University of Florida having a larger part in various educational programs at Raiford. Do you think that is a subject of possible expansion?

Dr. BAX. The junior college at Lake City has been conducting programs at Florida State Prison. I understand the University of Florida has, also, from time to time. I think it is an excellent opportunity. I think we are going to have to do a lot more, not just training inmates themselves, but developing new technologies and new methodologies for researching some of the unreachable.

The CHAIRMAN. And training the employees, the guards, and administrative officials as well?

Dr. BAX. That is correct.

The CHAIRMAN. We had a witness here named Wilson from Buffalo who is operating a model cities program in Buffalo, where he tries to help people released from correctional institutions get a job and get a certain amount of favorable association and the like. Could you suggest any way by which a larger opportunity might be afforded to help people released from prison to get jobs?

Dr. BAX. Title 4A and title 16 of the Social Security Act, which are administered by my agency, can be used to prevent delinquency. It cannot be used to maintain residential care or treatment or programs that title XIX, a medicaid program, would normally pay for. But there are funds available that are being used to train—and I can give you a good example. The relationship between corrections and welfare. In Florida, there were 5,000 children dependent because about 1,200 of their parents were serving time in Florida prisons. Therefore, it is the role of the division of family services, and they are taking it upon themselves to do this now, to work both with the inmates and with the families, to keep the family together and to prevent further dependency.

So the welfare system in Florida is geared to and has very much of a vested interest in correctional efforts. That program now is getting underway in Florida under the direction of Secretary Roberts. We look for some good things to come out of it.

The CHAIRMAN. Do we have a State program in conjunction with a Federal program primarily designed to help people who are released from institutions to get jobs and get on their feet again?

Dr. BAX. That is done through the Vocational Rehabilitation Act, which is an 80-percent federally funded program. It is also being done in some areas; I understand a loan program is being proposed before the legislature now, using the Law Enforcement Assistance Act funds.

So VR and LEAA funds can be used to do this type of thing, as they are now doing.

The CHAIRMAN. That is one of the things we are particularly interested in. And I would ask the attention of the staff to check thoroughly what assistance is now available, with a view to influencing our recommendations as to what more needs to be done.

Dr. BAX. We would be very pleased to assist you in developing this information.

The CHAIRMAN. Dr. Bax, I thank you very much for the valuable contribution you have made to us. We would love to stay with you a week, but we have to move on.

Dr. Fox, will you come forward? I want to thank you for your great patience in giving us your whole day here.

Dr. Vernon Fox is chairman of the Department of Criminology at Florida State University in Tallahassee, Fla. An authority on the causes and prevention of prison riots, Dr. Fox said that his method is "to keep talking and outwait them" during an inmate uprising. Dr. Fox was deputy warden at Southern Michigan State Prison when a riot of 2,600 prisoners was quelled in April 1952, with one death.

Dr. Fox is a member of many correctional associations, including the National Council on Crime and Delinquency, the American Correctional Association, and the International Association of Police.

Dr. Fox taught a course at Raiford for 3 years, 1 night a week; he had 60 to 80 people in his course. He thinks that inmate self-government is a good method for harnessing inmates' energy; he thinks that it is necessary to upgrade the personnel in the correctional system by providing education, training, and incentive raises in salary; and he believes that smaller institutions, with about 400 to 500 inmates, are needed for the hard-core offenders. He also advocates locating correctional institutions close to large communities.

Doctor, we would welcome any statement that you would be kind enough to make.

STATEMENT OF DR. VERNON FOX, CHAIRMAN, DEPARTMENT OF CRIMINOLOGY, FLORIDA STATE UNIVERSITY, TALLAHASSEE, FLA.

Dr. Fox. Thank you very much, Mr. Chairman and distinguished members of the committee.

The first prison in America was in Connecticut, about 40 miles north of New Haven in Simsbury, when administration buildings were built

over an old mine shaft in 1773. The first prison riot was in 1774. In a couple of years, we will have completed two centuries of prison riots; and in 1971, we are still looking for some answers.

I took it upon myself, some years back, after having gone through the riots in Michigan, to analyze riots down through history, starting with the Sing Sing riot in 1855, and the Sing Sing riot in 1857, and the Auburn riot in 1875, and began to get some fairly well-written and detailed reports. Down through the years, we can see a pattern of riots, and from that pattern we can begin to see some general principles regarding their handling.

Riots come in about five stages, if permitted to go through their entire metamorphosis. First, the explosion. I do not think there have ever been any planned riots. The inmates know who has weapons, the inmates know that no administration ever is going to negotiate with them, the inmates know where the power lies.

As a consequence, when they are planned, you wind up with sitdown strikes, slowdowns, self-inflicted injuries, as in Louisiana when the inmates cut their heel tendons, as in Georgia, the rock quarries, Buford Prison in Georgia, where they broke their legs with 16-pound sledges. You do not get riots in some areas like that. Explosion. So the riot is spontaneous and you get unbridled violence.

Now, the second stage is organization, and I mean organization of inmates, and organization of the administration, custody. Many of these explosions are permitted to go, and the organization and securing of hostages are permitted to be completed, and, at the same time, the administration and custody have not been able to throw force in there during that time.

Now, when you use force, you use it during the period of unbridled and disorganized explosion. Unbridled violence and a period of disorganization. You can throw force in there and win. I am not talking about shooting people. I am talking about clothing in bulletproof attire, going through in a wedge with unloaded weapons if necessary, or clubs, or batons, and clearing it up.

If you let that go by, however, in a major riot as we had in Michigan, and as we see in some of the other places, then you had better set back and assess what you have.

Pull your forces to the perimeter. Nobody is going to go anyplace. And work from there.

The third stage is the confrontation. The confrontation can be negotiations: it can be keeping them talking; it can be force. It can be shots; whatever. That is the third stage, and that is a matter of discretion on the part of the administration and custody.

The fourth stage is termination, surrender, either after negotiation or by force.

And then the fifth stage, which is really in terms of public policy the most important stage, is one of explanation and reaction. That is what we are in now. The reason that is most important is that it sets the tone for penal policy in that system for years to come.

Now, we have some philosophical determinants in our system of government that help determine whether and when force shall be used. George Berkley in his book "The Democratic Policeman," and Jerome Scolnik in "Justice Without Trial," and many writers in the area of law enforcement have indicated—as Berkley starts out—"Democracy is

hard on the police and the correctional worker because they have to respond to the citizen constituency including the citizen offender, whom they serve."

In a totalitarian state, they have a clear mandate to do whatever is necessary to protect the security of the state. There is no such mandate in a democratic society. Consequently, the use of force has to be changed. You go into it, you go into a situation with force during that period of disorganization; but again, if you are standing there with your finger in your ear, and let the inmates organize their leadership, emerge, and secure their hostages, you have missed it.

Now, you have to follow through with a different kind of approach. Repeating. Then you have to back up, secure the perimeter, and go from there.

Let's talk a little bit about negotiation. You will notice that I have never used the recommendation to negotiate. I keep them talking. At least I did in Michigan. The reason is simple: The negotiation assumes that you have a reasonable and logical basis for communication and during that emotionally charged prison riot, that is one heck of an assumption.

Suppose you negotiate and you concede every demand and the prisoners don't trust you; where are you? Suppose you concede every demand and the prisoners do trust you, but they don't think you can deliver, or they don't think you have the political clout to deliver under this particular administration, perhaps?

The whole thing ends up so that it is not force nor negotiation. That is not the issue. It is discretion and relationship, understanding of human behavior, and using these relationships, social ties, to quell a situation whether it is in the ghetto streets, in a confrontation between a law enforcement officer and a violator, or in a prison yard in a confrontation between an officer and an inmate. It is a matter of discretion.

Force and negotiation are both tools. If you want to use the negotiation for talking, fine, but as a tool it is not the answer. Force, similarly, is a tool, and can be used effectively if used quickly, within the first half hour.

But with nonlethal weapons. If you let that go by—I am repeating—then you reassess your situation, secure your perimeters and use your discretion.

I think probably it might be well to liken a riot, as I said in my article on "Why Prisoners Riot," before the Federal Probation last March, the way to make a bomb is to develop a strong perimeter and generate pressure inside. That is what our prisons have been about in America. And so when you read the literature on riot causes, you find overcrowding, deprivation in various ways, low medical services, poor food, et cetera. But, you know, you find that in just about every prison. And those are the reasons, too, that you find in ghetto riots.

It is human behavior. They feel they are trapped. They are locked in a deprived situation. And just because you have that situation does not mean you are going to have riots. When I first went into the Mississippi prison for the first time in the 1950's—Mr. Wainwright knows—I saw the inmates with vertical stripes carrying guns, guarding the inmates with horizontal stripes.

Have you ever heard of a riot in Mississippi? That does not necessarily mean that you have a good prison if you have a necessarily quiet one. There are other factors involved. There is an inmate leadership and the harnessing of it will help any administrator control his prison and still have a good prison. Up and down communication. The bomb, a strong perimeter, generated pressure inside.

Something has to detonate it, something has to trigger it, and it can be triggered by almost any type of little incident. A confrontation between an officer and an inmate in the aisle. An officer trying to break up a fight that is too big for him to handle. Somebody putting himself in the gutter: somebody heaving a tray. If it is red, it can blow, with this precipitating factor.

You have to differentiate between the predisposing factors, the pressure, the strong perimeter, and the precipitating factors, the detonator that triggers it. And that is true of any riot whether it is in a prison in Watts, in Cleveland, in Newark, in Detroit, Kent State, or Jackson State universities.

It is human behavior, not necessarily a prison situation alone.

The same discretion has to be used, and discretion is the center. You know, it is like a scalpel, any other tool. A scalpel in the hands of a skilled surgeon is a wonderful thing. But a scalpel in the hands of a murderer is a dangerous thing and can hurt. It can damage society.

So the discretion as to how you use those tools, force, negotiations, keeping them talking, is a key to the handling of this riot situation.

I want to emphasize the importance of the relationship factor rather than force or negotiation. Ellis McDougal, now director of the Georgia State Board of Correction, tells of a little incident that occurred last summer. It hit the papers.

A black man and a white man climbed the water tower in an institution in northern Georgia. Ellis happened to be in the southern part of the State. These two men demanded to talk to the director. The director said, no, he was not going to leave that area and go up there. They remained overnight. It made news.

In the morning, the black man's mother came and said: "Can I speak to my son?" "Yes, ma'am." And she went to the bottom of the water tower and said: "Lemuel"—this is Ellis McDougal's narrative—"Lemuel—you come down here this minute." And Lemuel came down. And the white man was lonesome and he came down, too.

Now, that little incident could have been handled in a lot of other ways. They could have taken a couple of 30/30's and shot them down, couldn't they? Or they could have put the lights on them and with a bullhorn negotiated or talked. Or they could have ignored them for all practical purposes and went about their business and let them get hungry and then come on down.

What I am trying to do is to focus on relationship. That is what did it, keeping them talking. It wasn't force and discretion.

The CHAIRMAN. Well, Doctor, you have opened up many avenues of interesting thought to us, of course. You have made a very diligent, dedicated study of this problem. Would you like to summarize any recommendations as to what you think the Federal Government might do to improve the correctional system of the country today?

Dr. Fox. Yes, sir. The key to this whole business lies in the correctional officer.

See, we are going to have these predisposing causes all over, as we have already. But we do not have to have the confrontation that triggers it, the detonation. Generally, that type of detonation involves contact with the correctional officer. The correctional officer is in contact with the inmate 24 hours a day, in shifts, around the calendar.

The inmate may see the psychologist, social worker, counselor once a year, twice a year. So the real impact people have on other people in prison comes from the correctional officer, the steward, the people they work with in the shops, those people.

So that it stands to reason that the upgrading of the correctional officer so that he can understand human behavior, avoid confrontations that trigger riots, avoid the need to use people for his own emotional needs, the entire upgrading of the correctional officer to, perhaps, a correctional counselor.

The CHAIRMAN. Should he walk out among, be constantly among the inmates, unarmed?

Dr. Fox. Yes, sir. But it is a basic economic principle. As you raise the base of an organization, you raise the entire organization. And if you raise the qualification by training, recruiting, as natural attrition takes place, in a higher level, you reach a point where the officer becomes an on-the-job counselor. He is a counselor anyway because the inmate is going to talk to the officer on the job who supervises him, he is going to talk to the officer in the cellblock, and he is doing it anyway. And if he is doing it well, he is constructive. If he is doing it badly, he is destructive. And the problem that we have is in upgrading the entire organization through upgrading the correctional officer to perhaps a correctional counselor.

Mr. Wainwright and I were talking one day a couple of years ago, where he said it used to be "my side and your side." "custody and treatment." Now it is "our side."

So if we can get treatment-oriented correctional officers, correctional counselors, treatment people who are acquainted and aware of custodial problems, safety and security of the institution, then we are all going in the same way. It is like a football team. I would rather have four men in the backfield who know the signals than 20 men running into each other. And that is what we have got now.

Perhaps some type of matching funds, like in the welfare programs, like in education, Federal aid to education, Federal aid to welfare, et cetera. In that same type of vein where a State has to reach certain standards in order to get matching funds would do more to upgrade the correctional field throughout the country than almost anything else, using the correctional standards as outlined by the American Correctional Association and the new in-progress accrediting program.

The CHAIRMAN. Mr. Brasco?

Mr. BRASCO. I want to commend you, Dr. Fox, on a very fine statement.

Dr. Fox. Thank you, sir.

Mr. BRASCO. It was very interesting and I suppose really what we are talking about, very simply, is there are no rules one might be able to write in terms of an effective rehabilitation process while one is incarcerated because that fact alone, obviously, is never a happy one for the person whose liberty is constrained.

Dr. Fox. That is right.

Mr. BRASCO. And I suppose what you say is the real heart of the matter is coupled with the training of the inmates for when they get back into society.

Dr. Fox. That is right.

Mr. BRASCO. I was wondering, the gentleman that preceded you said some very interesting things, also. I did not get a chance to hear fully about it, but he was talking about transferring personnel. Personally, I think that is a good idea and I suspect you might be able to transfer upper echelon personnel easier because of the job status that goes along with the upper echelon positions, plus the financial status. But you might not be able to do it, while it may be desirable, with the guards because they make much less money, et cetera.

But until we are able to achieve the training and the upgrading of the entire system, as you indicate, which obviously is going to take time, might it be helpful if we were to get, say, in each prison, one or two individuals that were termed to be "deputy inspectors" or "inspector generals," who were of the orientation and caliber that you were talking about who could be the individual who is able to diffuse trouble by virtue of the fact that he would be able to see the actions going on between the guards and the inmates, and take corrective steps; and in the absence of his ability to prevail in terms of taking corrective steps, maybe either the guard or the prisoner would be removed from that particular area, or if necessary the institution?

Dr. Fox. Yes, sir; it would contribute to the up and down communication. Downward communication is not enough. You have to have upward and downward communication. If you have only downward communication and you do not pay attention to the inmates, then you are going to get riots, violence, inmate initiated litigations, and the whole thing.

A plan like this would short circuit it. There are many plans that would do it. The Maryland Assembly, effective in July, initiated an inmate grievance commission, for example.

Mr. BRASCO. Let me say this. I appreciate that. You see, the problem again that you have to contend with is human nature.

Dr. Fox. That is right.

Mr. BRASCO. Getting back to the grievance committee. How would it function? I know that would be the first question on the mind of a corrections officer. Am I going to go before or have anything to do with the determination made by people who I am supposed to be responsible for?

Now, I think an enlightened view necessitates some kind of effective procedure. However, I perceive some difficulties. To give you an incident I suppose is the best way of describing what I am talking about.

In my city I had the opportunity as an attorney practicing criminal law to visit many precincts. And the same thing that you are talking about, the atmosphere and the trigger occurs. It is not uncommon and I have seen it happen where a defendant was handcuffed, actually handcuffed. He could not use his hands, he got in such a violent argument with a detective who was working on papers in his case, and then, lo and behold, he kicked out and hit the chair on which the detective was sitting, and the detective swung and hit him in the mouth. Now, is that brutality?

I do not know that we can ever legislate what the guy who has got the cuffs on is going to do and what the response of the officer is going to be. Obviously, neither of them were correct. If we get onto a system which would say, maybe now the officer should be locked up, too, is it equitable and will it accomplish anything? So that while you have some kind of grievance procedure, what do you assume would be the end result in that case?

Dr. Fox. No inmate grievance committee is going to stop a riot.

Mr. BRASCO. Suppose they have a legitimate grievance, say they come to the warden with a legitimate grievance against "Joe Blow," a guard, who is going around at night knocking on the bars with his club or talking to guys, or whatever. What do we do? In order to make the system, as far as the inmates are concerned, credible, they say you have to do something if we show legitimately this guy did it. What do we do?

Dr. Fox. I am not interested in an inmate grievance committee to replace the relationships within the institution. The system within the institution with the type of program you suggest, would help inside the institution in maintaining the relationships. The only thing we have to do is do everything possible to facilitate up and down communication so they can understand some of the predisposing causes, and increase the effectiveness of the officer, his understanding so that he can avoid triggering something in the yard.

You see, many of our studies on punitive actions and authoritarian personalities have indicated that the higher in education one goes in the area of behavioral sciences, the less punitive he becomes. With the lower education, he runs out of ideas quicker and resorts to force.

Mr. BRASCO. So what you are saying—and allow me the last observation, because my colleagues want to ask some questions and it is getting late—is that maybe we should not address ourselves specifically to this problem because normal behavior will only complicate it.

Dr. Fox. Yes, sir.

Mr. BRASCO. In other words, rather than getting involved in maybe specific actions between people we ought to upgrade the entire system.

Dr. Fox. Yes. We need to increase up and down communication to mitigate the ill effects of the predisposing causes. And I have to complement that with the increased understanding on the part of the correctional officer or correctional counselor of human behavior so he can avoid the precipitating causes.

Mr. BRASCO. Thank you very much.

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Thank you.

Doctor, you really had me spellbound, especially with your initial presentation. You carried me right on top of the mountain with your theories, and then I felt a little let down when you said so much depends on discretion. Because it seems to me that that is a key to so many things which happen.

The committee is trying to avoid what is commonly referred to as "Monday morning quarterbacking." However, looking over your back-ground, it just seems to me that while we cannot afford this luxury,

someone like you necessarily should take a look at a situation and say, if the facts were as presented, "It seems to me that discretion was either abused or another method should have been taken."

Now, I am not an expert in this field and I accept the fact that you are. I gather that you have a great deal of professional respect for Mr. Wainwright, and I certainly do not want personalities to enter into what is going on before our committee.

But if you were here earlier, you found, I guess, that I could not understand as a layman not being there with the responsibility. why anybody would find it necessary to use the firepower that was used in Raiford.

I do not mean to condemn those—well, I guess I do in a sense—but I have to admit I did not have the responsibility, nor do I know what I would have done under the same circumstances. But since you were familiar with the circumstances as described here, is there any way that this type of action could have been the correct action to have been taken?

Dr. Fox. I teach a course in correctional custody, and I have since the early 1950's. And generally—and we go through riot control, and what we do—you see in a situation that is as tense as something like that was, it is almost like somebody, you know, the quarterback calling a quarterback sneak on fourth and two, and getting caught behind the line. It is hard to do. But asked the next Monday morning why you did that, well, if he had until Monday morning to think about it, perhaps he wouldn't.

Mr. RANGEL. Doctor. I know I have said it: everyone said it is so easy on Monday morning to look at the video tapes and say what should have been done. But I am talking about taking deadly weapons and shooting them at people. And I find it difficult to believe that we are Monday morning quarterbacks.

I think we are all asking that if the situation presents itself again, what would you do?

Dr. Fox. My views on the use of force, of course, are well-known. I think discretion is central and establishing a strong perimeter without going in unnecessarily. I think, is appropriate.

One of the things I suggest to our students, if they get in a situation where you have a large group in an open yard, and then you should have a specialized squad which has been done in some prisons, you have a specialized riot squad to go into that crowd in a way, cut it in half, circle around and cut it in half the other way, and then as other officers pick them up in the perimeter, you isolate people. And when you isolate people, they sort of lose their primary objectives and sort of disintegrate in terms of group cohesion which is what you have to do anyway in a riot.

Mr. RANGEL. Not if you are afraid of sexual assault. You give them more privacy.

Dr. Fox. We have not been able to stop that in the university, I think.

Mr. RANGEL. In your history, have you ever heard of any situation where 1,300 men were committing sexual assaults on an athletic field?

Dr. Fox. Well, no. You get sexual problems in any prison particularly when you have more than one man in a cell. And, no, I haven't seen it myself.

Mr. RANGEL. Doctor, I want to thank you on behalf of the committee. I have never been in an area before where so many people say they do not know the answer, so certainly you have been eloquent in your explanation as to what the guideline has to be. It seems to me that what we are saying to each other is: We need more money and we have to improve the standards of those who are involved in corrections, and give respect to inmates and correction officers alike.

But while we agree with all of this it seems that while we are waiting, people are being shot down; and sometimes I appear not to have patience. But notwithstanding all the lack of interest the legislative bodies and the public have, we just do not have the time to wait until all of these things are put together and have people shot down without hope.

Dr. Fox. And after two centuries of experience with prison riots.

Mr. RANGEL. Thank you, Doctor.

The CHAIRMAN. Well, Doctor Fox, I want to join my colleagues in thanking you very much for coming here today and staying the day with us, for the valuable suggestions you made to us and, frankly, I will be calling upon you again for further advice and counsel. We wish you a safe trip home.

Dr. Fox. Thank you.

The CHAIRMAN. We have one more witness today—Mr. William T. Basford.

Mr. Basford is the attorney for Local 2213, American Federation of State, County & Municipal Employees, correctional officers at Raiford. Mr. Basford noted, in a letter to me, "As attorney for the union, I have slowly begun to understand that our correctional officers at Raiford have been suffering under a fantastic handicap, and I seriously doubt that I can place the blame on a man for overreacting when he is faced with such obstacles as exist at our institution. The leaders as well as the membership of our local are extremely anxious to see reforms come which will not only assist the officers, but will also help the inmates."

Mr. Basford has stated that "the correctional officers are absolutely convinced that an improved situation concerning the inmates will resultantly improve the working conditions of the officers."

Mr. Basford, you may proceed.

STATEMENT OF WILLIAM T. BASFORD, JR., COUNSEL, REPRESENTING AMERICAN FEDERATION OF STATE, COUNTY, & MUNICIPAL EMPLOYEES UNION, LOCAL 2231, FLORIDA DIVISION OF CORRECTIONS

Mr. BASFORD. Thank you, Mr. Chairman.

My name is Bill Basford. I am a Jacksonville, Fla., lawyer and I am here today representing the correctional officers, Florida Division of Corrections, Local 2231, American Federation of State, County, & Municipal Employees Union.

Frankly, the reason I am here is that my clients are fearful that this committee and Congress and the Nation have become convinced that every correctional officer at the State Prison in Florida, the prison you have on your map there, is striding down those corridors every night with a billyclub in one hand and a shotgun in the other,

abusing the system, abusing the inmates and abusing the very rights we all so desperately believe in. This is not true.

Now, if you can indulge me just for 10 minutes, I will hit the salient points of my prepared testimony without reading it all, and I would like to touch on very quickly a couple of remarks I have heard, and anticipate some questions.

The CHAIRMAN. How many members of the union do you represent?

Mr. BASFORD. We have 366, I thought, and the director told us today it was 372 slots for custodial personnel at the Raiford State Prison. Our membership is now 197 or 198, when I left yesterday.

The CHAIRMAN. And they are all employed at Raiford?

Mr. BASFORD. All employed as custodial officers at Raiford State Prison.

The CHAIRMAN. Are all of them guards?

Mr. BASFORD. Yes, sir.

The CHAIRMAN. All right, thank you very much. Go right ahead.

Mr. BASFORD. We have one dues paying member who is a lieutenant, and this was a voluntary act on his part. The rest hold the rank of sergeant or below and the sergeants are numbered like maybe eight or 10, so they are all correctional officers classification or tower officers.

The CHAIRMAN. All right.

Mr. BASFORD. Surprisingly, you bring up Jack Anderson, Congressman. We would not have known about this hearing even, I think, if we had not noticed it in his column and naturally we got interested and contacted a Congressman who graciously permitted us to come.

I want it clear we are not here on behalf of the officers who were suspended or fired. These men are not members of our union. And we are not here to condone or condemn them. We are here simply to give you the view of the correctional officers themselves as related to me in a 5-hour session with them Tuesday night.

Our union is only 3 months old, and you can imagine, I know Congressman Pepper can tell you, to unionize in the Red Neck District of Florida is almost unheard of, so the situation has to become desperate for us to reach this strength, and for almost all of the men in the institution because you know probably 75 or 100 custodial billets are assigned outside the prison.

The CHAIRMAN. With what union are you affiliated?

Mr. BASFORD. The American Federation of State, County, & Municipal Employees Union.

I noticed today through the theme of this thing, they kept coming back that the weak link is the correctional officer, that this is where the breakdown occurs. This is the vital connecting link, this is the one who is constantly in contact with the inmates. And to make it or break it we have to do something about that.

I will try to get right to the meat of those things. My remarks have been developed from the position of the correctional officer or, as some of you keep referring to them, as "guards." I keep hoping maybe that if we start treating them a little better and talking about them a little better, we will make them a little better.

The CHAIRMAN. That is a good idea. We will try to remember.

Mr. BASFORD. I am not being critical. These findings and recommendations were developed by these men and they do not have a high aesthetic ring, which a more scholarly presentation would develop.

But, nevertheless, they are the day-to-day observations and contacts these men have had in their employment.

Their findings are not polished nor glamorous nor are their recommendations. I think their simplicity should suggest their sincerity.

I will take it up in three steps. First, I will give you the correctional officer's gripes about what the problems are at Raiford, then I will move into the problems that have been related to them from inmates, and some of these are interconnected in just a couple of words, and probably then we can solve it.

I know you all know what I am going to say—money. It was pointed out we have a personnel problem. This is twofold. Not just lack of quantity in our personnel but lack of quality, also. This seems to be the greatest problem existing because just as you have been told today and seen from your own investigation, about two or three men doing the work of 10 or 12. We will have two men in a unit guarding 600 or 700 men. You can imagine if an inmate gets ill, one of the men has to leave his duty station to call the medical technician, because our correctional officers of Florida do not make analysis. A hired professional medical technician who works under the doctor comes and does it. He has to escort him down to make sure he is properly in and out so you can see the problems that develop there and how we are not able to cope with the whole situation.

There are specific figures in the minutes of that meeting I submitted to you earlier and has been attached to the regular copy of my presentation which I will not read.

The pay scale is so ridiculous I do not like to talk about it. But to take it one step further, he is correct in saying our salaries are \$464 a month. Suppose you stayed as a tower officer at Raiford State Prison for 30 years before your retirement. Your maximum attainable if you took your 10 best years, the highest you could possibly come out of there with or for your retirement pay would be 48 percent of \$464. It goes up \$100 in 30 years under the present scale.

At the gas company, Houston Gas Line Co. that comes near there, the other day one of the guys met a boy who was a high school graduate. He got a job over there, applied for a job at Raiford and was going to take it, but took a job at the gas company at \$3.50 an hour. His total working experience was that of a chicken farmer. He is making almost \$600 and our men charged with the responsibility of human lives are making a little better than half that.

The merit system, both from pay and promotion, is almost ridiculous. Because usually you will get your 5 percent increment every year, so the loafer is rewarded along with the hard worker and because we have so few supervisors, they don't know who is loafing and who is working and the supervisors who do decide who will get the merit increases give them to their friends and they will get the higher merit increases, up to around 10 percent.

MR. PHILLIPS. Is that under the civil service system?

MR. BASFORD. The merit system we call it in Florida, where you get merit increases for extra good work.

The training system they keep talking about in Florida is nonexistent. There is absolutely, unbelievably none required. I have talked to men who have been there 7 or 8 years who have never had any training program of any kind whatsoever within this system. Most of

those I talked to were extremely anxious to participate in training programs. All the men think new employees should be oriented to an extensive program prior to turning them into the units to act as correctional officers with custody of inmates. It is unlikely an untrained man has such innate qualities to be perfectly capable of supervising the custodial responsibilities for inmates.

The CHAIRMAN. I am sorry to interrupt you but we have a record vote over on the floor. If you will bear with us a little longer, we will go over and vote and come back and hear you out.

(A brief recess was taken.)

The CHAIRMAN. The committee will come to order, please. You may proceed, Mr. Basford.

Mr. BASFORD. Thank you, Congressman.

The next item of importance, my correction officers insisted, was promotion. There is no systematic method of promotion whereby ability, seniority, examination, et cetera, are required. A man can be instantly advanced in pay and rank without any regard to the foregoing. There are men there with 8 or more years doing the same work, essentially, as when they started and doing a good job who have never been promoted. On the other hand, it is not unusual for a man with very brief employment and experience to be instantly promoted.

I think this stems from the fact that we have had to work on a jury-rigged method in our penal system there, and sometimes flexibility was required for this type of management within the system. But there is one little program that goes on there that is highly suspicious to the correctional officers and they refer to this as the "Wednesday Night Safari."

The "Wednesday Night Safari" is a little get-together the warden has and he invites certain people. If these people were only staff people I do not think my men would be concerned about it. But sometimes men in the lower ranks are continuously included in these get-togethers and suddenly they become higher ranking officers. So naturally it lends to a suspicious program as far as my men are concerned.

Pension and death benefits are among the most outstanding and glaring defects we have in our system. As you know, Congressman, in Florida the legislature has passed an act that requires the government to provide \$20,000 death benefits for every law enforcement officer in the State of Florida, regardless of whether he is a State or municipal policeman or whatever he is. We do not have it for our correctional officers at Raiford and I cannot understand why it does not exist.

We also have high-risk pension plans for other law enforcement personnel. This is not available to my correctional officers either. Even firemen have a \$10,000 death benefit, electrical employees have hazardous duties and they are provided for. None of this comes out of their group insurance they pay for. This is all free and above any other pay or fringe benefit.

It is inconsistent to me that our men, who are constantly exposed to danger such as they are, would be overlooked in this.

They talked about moonlighting personnel overtime. Only since the horrible thing in February came about has it even become a slight part of our system, and it is not systematic.

The personnel turnover problem has been better expressed today than I could possibly express it, but the division of corrections is forced to hire anybody who comes off the streets and this means if you and I are between jobs, or we are down and out, and we just need some place to pick up a few bucks, we could go by Raiford today and get a job. There are no requirements as far as background or training or this sort of thing. So, obviously, this lends to a high turnover of personnel and a low morale. You have poor pay, low prestige, lack of advancement, lack of training opportunities, and besides, you see good men next to you leaving the system constantly so it discourages longevity for the men.

It is also discouraging when you realize—and I picked up the Washington Post and I saw in my paper where Congress has provided beautiful opportunities to encourage young men to go in the military—the effective base pay of a new private in the Army now is well above what the base pay of a correctional officer is at Raiford institution in Florida.

The situation is so discouraging that my men tell me that some of the men they feel are the best men in the system working alongside of them are leaving because of the bad situation.

SUPERVISORS

The entire system has got to be overhauled. No one can escape responsibility for the existing situation. This means our State elected officials as well as our administration officials, who are ultimately responsible for the system, must take the initiative without delay. We strongly recommend also a better avenue of communication, personnel communication, from the level I represent up through the ranks be established. It does not exist in a good fashion at this time.

Morale was mentioned, and quoting my guys “just a job” and I have to admit that throughout the system, and I think this goes beyond the Raiford confinement which is my particular responsibility at this time, that the morale is low and this tends to lend to the problems that Congressman Rangel brought up and the anxieties that you each asked about today, and I cannot deny them.

RULES

This is the one thing that really confuses me because I am new to this at the layman end. I have only been with these guys about 6 weeks or 2 months when they formed this union. Often when a man comes to work, he gets a big set of rules they compiled years ago that have not been updated, and many times the book is passed from hand to hand and you are not sure whether all of the pages are there or not.

Then we recommend that concise guidelines in short form over the signature of the superintendent so the guys know the real boss is telling them to do it, should be posted. The man should be charged with the responsibility of saying, “I have read those rules, I know the rules and I understand the rules.”

The reason for this was simply illustrated recently. One of the officers in this east unit had ruled—this was a correctional officer in charge of part of the wing—it was all right for the guys to circulate in certain areas in their T-shirts. It doesn't seem like a big deal to you and me. The guys liked it apparently. The guard came on the shift be-

hind him and had a fit because they had their regular shirts off over the T-shirt and ordered them to put them back on. We damn near had a riot over it. So this is how these things can happen, small things like Dr. Fox was talking about. We want to avoid those things. We realize that our men are just as much at fault in this as anybody else, but we are willing to work with a good system and to make these recommendations to help them improve.

UNIFORMS

We have got the most archaic uniform system in our penal institution you have ever seen. They make the uniforms around Belle Glade and I think they are made with inmate labor or migrant labor or something, where people are underpaid or not paid at all, so therefore, there is a backlog. You have correctional officers and tower officers running around Raiford State Prison, 6 or 8 months after being hired, with no kind of insignia or uniform to identify who they are. On the other hand, you find guys sitting around there with old worn-out, beat-up uniforms that would make them look disreputable. The inmates do not have any respect for them because they do not look like they are clean. They are wearing beat-up uniforms. These are small things, I realize, but these small things that lead to the explosions we have had every place.

Another thing, our State constitution we passed in 1968 provided we would have collective bargaining for employees in Florida.

Mr. RANGEL. I did not hear the last thing you said.

Mr. BASFORD. We passed a newly revised constitution in 1968, and in it we provided public employees would have collective-bargaining rights. To this date, they have never been implemented, either by executive order or by legislative act in any way.

So this helps in the breakdown, since our American system is not working. We do not have proper collective bargaining. I cannot make my men sit down at the table with me, if I cannot represent my men. I hope my men are showing at least their willingness to work for a good system in what I am presenting today. I do not think what I am saying is unreasonable and arbitrary and I would hope that we could some day get to the table where we can present these things to them.

Mr. PHILLIPS. Does your constitutional revision require legislative enactment?

Mr. BASFORD. The Supreme Court says it requires they do, but they still have not done it and the Supreme Court decision was 2 years ago and the decision involved the schoolteachers in Miami.

Now, I would like to turn to some problems that my correctional officers said are primarily gripes of inmates. I did not put it in my prepared text I gave to you which, of course, overcrowding is probably the most critical. I felt it was so obvious I did not think to put it in.

My men say the number one gripe they hear from inmates concerns the quality and the temperature of food. They say this causes more problems, more gripes, more discomfort among inmates in our institution than any other.

Much of our food is obtained from an industry program within the system at Belle Glade, Fla. It is prepared, grown, and canned in that

area, as you know. It frequently develops—and this is the testimony of the men who are responsible for receiving this and opening it in the kitchen and working and preparing it—that 50 percent or more of this food is either spoiled or inedible for some reason by the time it reaches us at Raiford.

Also, the food service program at Raiford and the receiving center at Lake Butler which you know is just outside of there, is really a kind of combined type complex itself under a combined food management program and my men tell me that it is very poorly managed and supervised. We also suffer, and this is the most basic thing from a preventive maintenance program, on kitchen equipment and others. This is just getting cold meals, late meals, meals that have half-cooked food going back. They do not even have a minimum preventive maintenance program on. A lot of reason for this is we do lack funds and we do lack enough supervisors to work with this and initiate these programs. We are not just saying your immediate supervisors are totally at fault, but these are some things wrong in our system. At least some minimal program for preventive maintenance of equipment in an institution or business has to be instituted.

From the inmate side again, this business of the rules not being properly presented and all. The inmates do complain that for every officer there are different rules of conduct and the dictates are frequently unexpected and perhaps unwarranted.

THE INDUSTRIES PROGRAM

The inmates are very concerned about the vocational training—the industrial industry program—and the inmates emphasize consistently that we have poorly managed industry programs and, of course, they are poorly funded. This goes without saying.

There is the additional restriction in Florida, though, and the responsibility falls squarely in the lap of the legislature, in that we are only permitted such industry programs as they permit us to have. And as you know, they always get the battle cry from industry. We can't have you competing with free enterprise. So we are kind of caught between the devil and the deep blue sea.

MEDICAL ATTENTION

My clients do not feel particularly qualified to make valid observations of medical needs, but it appears that we have a very minimal provision at Raiford. Obviously, we have a staff shortage and it is particularly noted that there is an extreme backlog for dental attention. This was the big worry.

Mr. PHILLIPS. You said the principal complaint was food; is that correct; it had two prongs?

Mr. BASFORD. They are getting more complaints about food than any other single group, right.

Mr. PHILLIPS. And you say when they purchase the food, 50 percent of it is bad?

Mr. BASFORD. It is not purchased. I say it is purchased, yes; it is an interdepartmental-purchase-type thing. It comes from an industry program.

Mr. PHILLIPS. From another program in the prison system?

Mr. BASFORD. Yes.

Mr. PHILLIPS. And who prepares it: the staff or the prisoners themselves?

Mr. BASFORD. It is a combined effort but mostly inmates work in the kitchen.

Mr. PHILLIPS. Thank you.

Mr. BASFORD. The parole program is another critical situation. The inmates complain that when it comes time to check whether the guy should get parole or whether he is eligible for it, the investigations are so cursory in many instances and they need to be more thorough. This is for the protection of the inmate as well as for the public. Cursory investigations can result in the unwarranted denial of parole as well as an unwarranted granting of a parole.

These are not the high-sounding type things I know that many people preceding me talked about, but I think their conclusion, that was the third part of what I was going to present, some of the answers are obvious.

Our Governor is the white knight in Florida. Anybody who can pass the corporate income tax in Florida I think can walk around the Atlantic without getting his feet wet, and he did get the tax bill passed.

Without his active, I mean real push, we are not going to get our appropriations committee and the legislature to give us the cash we have to have. We are not going to get the criminal justice committees in the senate and house to help pass legislation to get the reforms we need. We are not going to be able to make even Mr. Roberts, Dr. Bax's successor, and Mr. Wainwright, we are not going to be able to give them the staff and dictate to them, we are not going to have these things solved unless we get Gov. Reuben Askew's full, complete, and utter backing, and it is not because he is not sympathetic, it is not because he is not knowledgeable, it is not because he is not energetic. It is unfortunate our step on the priority list is not high enough. And what we are urging him now and we are hoping you will urge him and everybody will urge, is just that we be moved up on the ladder. If he will put his energy behind the tax reform he is working on, I guarantee we will come back next year and tell you about a lot of the good things going on.

I really feel if he puts his heart behind it and he needles the legislature some, we can get them moving and the rest of them and we will improve the quality of our correctional officer.

My men endorse that. They want the bad seeds weeded out and they will endorse it wholeheartedly. They realize some of our men are going to be some of those guys, but without proper pay and retirement benefits and training programs, it just is not possible.

We just thank you from the bottom of our heart for the interest you have taken in this.

The CHAIRMAN. Mr. Brasco?

Mr. BRASCO. I want to thank you, Mr. Basford. The last three witnesses, including yourself, were quite good and it is unfortunate that hearings go on all day and at this stage of the day you do not get the kind of exposure we get all of the time. It is all very interesting, the observations you made.

Let me say this. It is obvious from what you say that correction officers at Raiford State Prison in Florida not only have the handicap of being, so to speak, victims of being low on the State ladder for funds for everything that they need to operate, but you seem to indicate to me that the system there is set up in such a way that most guards may not be qualified for the position that they are doing.

Mr. BASFORD. Some are and some are not. We freely admit that.

Mr. BRASCO. Assuming you have gotten all of the training, money, and everything else that you want, how would you work that into existing correctional officers? Would they be required to take an exam, or would they be required to take just training—

Mr. BASFORD. Yes; I think so.

Mr. BRASCO. Or testing, after which they may be on the job 10 years and it is found out the guy should not have been hired in the first place?

Mr. BASFORD. That is right. I think on-the-job training and this sort of thing with testing should be a part of it and, if necessary, these men should be transferred to different types of employment within the State system, for which they are qualified. Yes.

I forgot to mention earlier—I know that one of the Congressmen was concerned about the neoptism and the indigenous aspects of the employment. I do not have any scientific figures for you but I do know that the men that work there, they live in various areas. They do not all live right in the Raiford area. They come from Jacksonville, Ocala, Gainesville, and Lake City. The president of my union is not indigenous from that area, he is from St. Louis or Chicago. I forget which. So it is not all a family situation there. In fact, the relationship deal is low.

My men are complaining more about that than you are, because many of those guys are getting the 10-percent merit increase instead of my guys. Those are the guys that get "sergeant," "lieutenant," instead of my guys so we are on your side on that.

And like I say, my men were not the ones that were fired or suspended. They are the ones that are trying to improve the system. They will freely accept criticism.

Mr. BRASCO. Do you think being the representative of men in a newly formed union as a practical matter we could get into your institution as well as other institutions some kind of a program, whether it be an inspector general or citizens committee of some type, that actually provides meaning and some teeth for a role of, so to speak, "who guards the guards?"

Mr. BASFORD. I heard that earlier and there were two remarks that came from that, that I concur in. I think one flowed from the other. First of all, I think we are going to have to do what you just suggested and I really believe our Governor is enlightened enough that he would respond favorably to doing that. And if and when one of us brings it to his attention, he might institute it on his own initiative because he, I think, knows something has to be done.

I think Congressman Pepper asked how do we get on the Federal level, make the State raise their standards, and it is the same way you have done it in every other program. You put the weiner on the end of the stick and say, "Here is the cash, come get it, but you have to reach for it, Sport." And that is the way. We want the Federal funds

to flow. We are constantly up there after them. It is unfortunate that you are going to have to force the good legislation to come because of the refusal of States to act. Again, this may be the way we are going to have to do it.

Mr. BRASCO. Thank you very much. I know we are short of time.

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Well, Counselor, you have your work cut out for you, starting a union in the sovereign State of Florida.

I think it would be difficult for you to separate the good guys from the bad guys. And, as Congressman Brasco pointed out, we have to get ourselves put in the position where we are rewarding people because they find themselves in such a frustrating position that they have to take it out on those beneath them, even though we all agree that is one of the pitfalls of human behavior.

But it is gratifying to the members of this committee to see more and more people who represent unions, at least in this area, are not just talking about increases in pay and fringe benefits, but also increases in the quality of service which they can render. I hope that the members of your union might see fit to forward to this committee some of the recommendations they have relating to improving conditions in the prison generally and themselves as well, and to include the inmates.

I think that you would agree it has far more credibility when it comes from the correctional forces than when it comes from convicted felons.

Mr. BASFORD. Yes, sir.

Mr. RANGEL. So if you could get together some type of statement which would incorporate changes that you would like to see, not only in the training and pay scales but changes that you would like to see in the institution, I can assure you that one or more members of this committee will take a personal interest in it.

Thank you for your eloquent presentation and good luck in your challenge.

Mr. BASFORD. Thank you, sir.

The CHAIRMAN. Thank you, Mr. Rangel.

(See letter to the chairman from Paul Minarchenko, director, Department of Legislation, American Federation of State, County & Municipal Employees, AFL-CIO, p. 61.)

The CHAIRMAN. Mr. Blommer?

Mr. BLOMMER. Mr. Basford, did I understand you to say that the men you represent who work at the Raiford Prison get a set of rules?

Mr. BASFORD. Sometimes. I don't think in every instance that is even followed. But they get an old set of rules compiled years ago. It is a thick book with a lot of stuff about conduct and all, but it is not something they are required to know. It is not something they go through classes to orient them on and that sort of thing. This is a general standard-type book, background book.

Mr. BLOMMER. Would that theoretically in any case apply to all of the prisons in the State?

Mr. BASFORD. Yes, sir; I think so. And like I say, I am new in this and my experience is mainly limited to—

Mr. BLOMMER. Did you, yourself, have a chance to review that rulebook?

Mr. BASFORD. No, sir. I have not seen it.

Mr. BLOMMER. Then I will not ask you the question I was, but I am sure you were amazed as I was to hear Dr. Bax say—and let me read it to you, on page 10 of his statement, his tenth recommendation:

“There is need to review all prison rules and regulations—to remove unreasonable barriers to rehabilitation”—and here is the important part—“and to revise policies subject to collapse if tested by the courts.”

Dr. Bax did not expand on that, but if I read his words correctly he is saying that the rules and the regulations and policies of the prison are at least illegal, in his opinion, and your men, the men you represent, are by regulation committing illegal acts.

Mr. BASFORD. I think, too, there is a possibility because of the age of this compilation, that he may have been referring to the same one I am, that it may be the definition of “reasonable force to be used on an inmate” might be a little more stringent under what was prescribed in that book than we would put under our new outlook on things.

Mr. BLOMMER. I assume he was talking about what was happening.

Mr. BASFORD. Right.

Mr. BLOMMER. And my question to you was—and let me ask it in any case: Do you know of any regulation that the prison system of Florida has in force that you believe might be illegal?

Mr. BASFORD. I cannot quote one from my personal knowledge: no, sir.

Mr. BLOMMER. Thank you very much.

The CHAIRMAN. Mr. Basford, we thank you for your informative testimony and hope to be able to solve these problems in the near future.

Mr. BASFORD. Thank you, Mr. Chairman.

(Mr. Basford's prepared statement follows:)

PREPARED STATEMENT OF WILLIAM T. BASFORD, JR., COUNSEL, REPRESENTING LOCAL 2231, AMERICAN FEDERATION OF STATE, COUNTY, & MUNICIPAL EMPLOYEES UNION

My name is Bill Basford, I am a Jacksonville, Fla., lawyer and I am here today representing the correctional officers, Florida Division of Corrections, Local 2231, American Federation of State, County & Municipal Employees Union. My clients are gratified that they are being afforded an opportunity to be heard and we hope that our findings and recommendations will be of benefit in bringing about the much needed penal reforms which I understand this committee so urgently desires. We, in Florida, have worked with our esteemed Congressman, Claude Pepper, for many, many years and we are very proud that our Congressman has been chosen to chair this committee and lead this investigation.

The Florida prison system is not unique as I strongly suspicion that the penal institutions throughout the country are rank with the problems which exist in our State. I have attempted to follow some of the testimony which has preceded me over the past several days and I think you will note that my remarks have been developed from the position of the correctional officer or, as some people refer to them, the guards. These findings and recommendations developed by these men do not have the high aesthetic ring which a more scholarly presentation would develop. Nevertheless, these are the day-to-day observations and contacts that these men have in their employment. Their findings are not polished or glamorous nor are their recommendations. I think their simplicity should suggest their sincerity.

On November 22, 1971, I submitted a letter to Chairman Pepper together with minutes of the meeting of my clients, Local 2231, held in Starke, Fla., for benefit of the public and all concerned on October 2, 1971. There are a good many direct quotes and notes from the correctional officers themselves in those minutes and I respectfully request that the letter to Chairman Pepper and the copy of those minutes be appended to my prepared remarks that I am submitting at the end of my presentation for entry into your record. I feel those minutes are far more valuable than any comments that I make.

This presentation is approached threefold. First, we will discuss the problems of the correctional officers; secondly, those of inmates; and finally, recommendations for general improvement of the system. The officers' problems and some inherent recommendations are numerically listed as follows:

1. PERSONNEL

There is a serious lack of personnel throughout the penal system in Florida. The lack goes to numerical quantity as well as to the quality of the personnel. The greatest problem existing at the institution is the fact that many times you have one custodial personnel doing the job of two to five men in a unit of the prison. Sometimes we have two men doing the guard work of many times that number. You will have one man responsible as correctional officer for hundreds of inmates. Specific figures are provided in the minutes of the meeting appended hereto.

2. PAY SCALE

The starting pay for a tower officer, which is the usual beginning, is \$364 per month in 1971. It is also unbelievable that the maximum pay that this man can ever attain with many years experience, under the present scale, is approximately \$464 per month. Therefore, you can imagine what he looks forward to at retirement after 30 years when his maximum accumulation is approximately 48 percent of his pay averaged over his best 10 years. Is there any wonder that we have our employees moonlighting on the side? This problem is compounded by higher pay available in the area. For instance, a young high school graduate recently obtained employment at a nearby gas plant at the rate of \$3.50 per hour. His work experience was that of a chicken farmer. How are we going to retain good men with that sort of situation?

3. MERIT SYSTEM

The merit system for pay is practically nonexistent. The usual merit increase for a year is 5 percent and this is frequently available regardless of the man's output. The loafer will be rewarded with the hard worker in many instances. On the other hand, merit increases will go up as high as 10 percent and this is usually reserved for the favorite few.

4. TRAINING PROGRAM

There is absolutely, unbelievably, none required. I have talked to men who have been there 7 and 8 years who have never been to any kind of training school or program within the system. Most of those I talked to were extremely anxious to participate in training programs. All of the men think that new employees should be oriented through an extensive program prior to turning them into the units to act as correctional officers with the custody of inmates. It is very unlikely that an untrained man has such innate qualities as to be perfectly capable of supervising the custodial responsibilities for inmates.

5. PROMOTIONS

There is no systematic method of promotion whereby ability, seniority, examination, etc., is required. A man can be instantly advanced in pay and rank without any regard to the foregoing. There are men there with 8 or more years doing the same work, essentially, as when they started and doing a good job who have never been promoted. On the other hand, it is not unusual for a man with very brief employment and experience to be instantly promoted. The Wednesday night safari is a social event led by the warden which the men suspicion is the group which provides promotions.

6. PENSION AND DEATH BENEFITS

Our men do not have the high risk pension plan which is available in Florida. Also, law enforcement officers in Florida have a \$20,000 mandatory death benefit which is provided to them at government expense. The correctional officers have none of these benefits. Firemen also have special death benefits. It's inconceivable to me, in light of recent events, that we can escape the responsibility incumbent upon us to provide for special death benefits for correctional officers.

7. OVERTIME

This is a very recent and new program and not provided on a systematic basis.

8. PERSONNEL TURNOVER

The division of corrections is practically forced to hire just anybody off of the streets and there are no true requirements for employment. Obviously, poor pay, low prestige, lack of advancement opportunity and high turnover of personnel make this job unattractive to a great many men. It is discouraging when you realize that, now, an Army private has an effectively higher pay than the starting salary of an officer at the Raiford institution. The situation is so discouraging that many of the best men end up leaving the employment

9. SUPERVISORS

The entire system must be overhauled. No one can escape responsibility for the existing situation. As in every management overhaul, the decisions must come from the top. This means our State elected officials as well as our administration officials who are ultimately responsible for this penal system, must take the initiative without delay. We strongly recommend that an avenue of communications for personnel problems be established.

10. MORALE

"Just a job" is the way many look at it. I, unfortunately, have to admit that morale is poor in the overall aspect.

11. RULES

An old, old, cumbersome book full of them is provided to correctional officers at such time as they assume their employment. We need concise guidelines, in writing, over the superintendent's signature. For instance, one officer in a wing issued a directive that the inmates could circulate with only T-shirts on within certain areas of the east wing. A new officer took over and decided this was highly inappropriate and issued an ultimatum that regular shirts must be worn over the T-shirts. Naturally, an arbitrary change caused a morale problem with the inmates. I think you see that, frequently, every new officer has a new set of rules.

12. RIOT TRAINING

The riot squad is a laugh at Raiford. I don't think I need to say any more about that, but their training is disorganized, limited, and infrequent.

13. UNIFORMS

Some officers have been there for 6 months or more and do not have uniforms issued. In other instances, you will find officers required to wear old, worn-out uniforms which the system is not able to replace.

14. COLLECTIVE BARGAINING

Although the constitution of the State of Florida provides for it, it has never been implemented. This is an urgent need for all employees.

As I stated in the beginning, I am trying to briefly and concisely enumerate some of the problems. This list, above, is not all inclusive.

MAJOR INMATE PROBLEMS

1. Food

The number one gripe that the correctional officers hear from inmates concerns the quality and the temperature of the food. Much of the food is obtained from an industry program from Belle Glade where the food is prepared and canned. It frequently develops that we have as much as 50 percent of the food either spoiled or inedible for some reason at the time it reaches us at Raiford. Also, the food service program at Raiford and Lake Butler has poor management. We also suffer from a lack of preventive maintenance on kitchen equipment and other equipment. The excuse, of course, is that we just don't have the money for

repairs. But even a simple program could avoid many of the breakdowns of equipment in these areas.

2. Rules

The inmates complain that for every officer there are different rules of conduct and dictates are frequently unexpected and perhaps unwarranted.

3. Industries programs

They seem to be poorly managed and it goes without saying that they are poorly funded. There is also the additional restriction that legislation frequently limits the programs which are conducted.

4. Medical attention

My clients do not feel particularly qualified to make valid observations on medical needs, but it appears that we have a very minimal provision at Raiford. Obviously, we have a staff shortage and it is particularly noted that there is an extreme backlog for dental attention.

5. Parole

The investigations are cursory in many instances and need to be far more thorough. This is for the protection of the inmate as well as the public. Cursory investigations can result in the unwarranted denial of parole as well as the granting of it.

As stated previously, these are the ground level gripes which our men are conveying to you as valid problems. Needless to say, Mr. Bill Ciuross and others before me have provided a more scholarly and indepth review of these problems.

FINAL ANALYSIS

In the final analysis, the correctional officers at Raiford want to make some general suggestions about curing the defects in our system. Our Governor, Reubin Askew, is a very knowledgeable, energetic and sympathetic man. He has shown his courage in attacking the problems of the State of Florida in many ways. He made a frontal attack on tax reform and succeeded. This is one of his many programs which he has either undertaken or completed. We are not sure that he is totally aware of the problems in the penal system, but we do believe he is sincerely motivated in wanting to correct the deficiencies. Therefore, we strongly recommend that governmental priorities be rearranged to place the needs for improving the penal system higher on the list. In fact, we realize that accomplishments will be directly tied to appropriations from the State legislature and from this Congress. The Governor has been most successful in tax reform and we now urge him to place penal reform second on his list, immediately behind tax reform, and attack it with the same fervor that he has applied to other priorities. Secondly, the Governor should order the secretary of health and rehabilitative services to require that the director of the division of corrections take immediate steps to bring about administrative reforms which will take Raiford out of the 19th century and push it toward the 21st century where it belongs. Many of the problems listed can easily be corrected with good management programs.

Finally, I'm sure you ask why the director of the division of corrections has not done something about all of this. It is our opinion that the legislature has so many demands on the purse strings of the State that they have continually swept the matter under the rug. Frankly, there was no impetus from our past Governor and it made the financial needs of the penal system easily ignored. We firmly believe that our director will gladly take the initiative if he is given the go-ahead and provided the necessary funds.

(Enclosure 1)

JACKSONVILLE, FLA., November 22, 1971.

Re Local 2231, American Federation of State, County, & Municipal Employees,
Correctional Officers at Raiford, Fla., State Penal Institution

HON. CLAUDE PEPPER,
U.S. Congressman,

House Office Building, Washington, D.C.

DEAR CONGRESSMAN PEPPER: It is with great pleasure that I note a thorough investigation is being made by you and your committee concerning penal reforms. I am taking the liberty of enclosing the minutes of a meeting which we

recently held in Starke, Fla., concerning the multiplicity of problems at our State prison in Raiford, Fla. I fear that the complete picture will never be composed unless the correctional officers are allowed to present their views too. I know the Governor and the prison superintendent are certainly willing to cooperate and assist your committee in every way, but there is no way to properly investigate and analyze the problem without getting the inside view.

As the attorney for the union, I have slowly begun to understand that our correctional officers at Raiford have been suffering under a fantastic handicap and I seriously doubt that I can place the blame on a man for overreacting when he is faced with such obstacles as exist at our institution. The leaders as well as the membership of our local are extremely anxious to see reforms come which will not only assist the officers, but will also help the inmates. I hope that you realize that many of our problems stem from lack of financial support and I know the legislature is constantly faced with the priority of needs. I feel that the lack of funding has partially resulted from the fact that we have not been articulate enough to properly impress the legislative appropriations committee with our dire situation.

Although everyone is telling the media that we are moving to solve the problems at Raiford, I want you to know first hand that nothing has substantially changed since the date last February when we had the sudden outbreak with its resulting repercussions. The correctional officers are absolutely convinced that an improved situation concerning the inmates will resultantly improve the working conditions of the officers. Last, but not least, Congressman, my long acquaintance with you leads me to say that I believe in the efforts of my clients beyond the point of simply representing them as an attorney.

Very sincerely,

WILLIAM T. BASFORD, JR.

[Enclosure 2]

MINUTES OF MEETING OF LOCAL 2231

(Bradford High School Auditorium, Starke, Fla., Oct. 2, 1971)

The meeting was called to order by the attorney for Local 2231, Bill Basford, who arranged for introduction of officers and guests. Present were:

Representative Gene Shaw: Starke, Fla.

Representative Wayne Hollingsworth: Lake City, Fla.

Mr. Jim Deaton, president of AFL-CIO, Northeast Florida Council.

Mr. N. D. Green, president and business agent of Local 1420, Department of Transportation (coordinator for establishing Local 2231).

Mr. John F. Donovan, president of Local 2231.

Mr. Edward E. Suarez, vice president of Local 2231.

Mr. Clifford R. Martin, secretary of Local 2231.

Mr. Maxie Reddish, treasurer of Local 2231.

The president, Mr. Donovan, made the welcoming address and remarks. The president commented on the fact that the purpose of this employee organization was to do everything in its power to provide a positive approach for the improvement and enhancement of the division of corrections from the viewpoints of the correction officers, the management personnel in the present system, and from the viewpoint of the inmates. Mr. Donovan pledged absolute and total support to State officials, the legislature and the prison superintendent in regard to bringing about the goals which were to be later stated by Vice President Suarez. At the same time, the president pointed out that he was extremely disappointed to find charges of nepotism leveled at the Raiford Institution since the number of personnel who are related by blood are only a very small percentage of the total employment figure. On the other hand, he pointed out that it is not at all unusual for employees of any private business or State institution to have similar names or to be related where the employment force is drawn from a small community which has been there for quite some time. He also stated that a great many of the employees travel from their residences in Ocala, Jacksonville, Lake City, and other points relatively far away from Raiford. In conclusion, the president recognized the tremendous burden which the State legislature carries in regard to the moneys needed to fund the penal system and thanked Representatives Shaw and Hollingsworth for their past efforts.

The president introduced the vice president, Edward E. Suarez, for comments on the needs of the system. Since the address was in great detail, his personally prepared outline and summary remarks have been photocopied and attached

hereto for inclusion in these minutes. Vice President Suarez will be available for additional presentations if they are needed. This suggestion was made by the president and various members.

Representative Gene Shaw made general comments on a great many matters which have come before him since he has been a member of the legislature and the efforts which he has expended. Among the needs which rank foremost in his opinion, are a training program and improvement of morale. He graphically pointed out that the penal system cannot continue to be a secondary item on the list of State needs.

Next, Representative Hollingsworth was recognized and he commented specifically about the need to achieve pay raises for the officers at the division of corrections and that he and Representative Shaw have pledged themselves to renew this effort in the 1972 session of the legislature.

Finally, comments and questions were entertained from the floor of the membership as follows:

1. Mr. ANDREWS. Many employees have been intimidated and frightened in regard to attending union meetings. Representatives Shaw and the union attorney assured him that he and all other employees have constitutional guarantees in regard to belonging or not belonging to labor organizations and these would be protected in every instance.

2. Sergeant ARTHUR GREEN.

(a) Tower pay was only \$365.00 a month and frequently tower men were interchanged with correctional officers in the prison and correctional officers were frequently doing tower work at a much higher pay.

(b) There was a great shortage of personnel:

(1) Sometimes, two or three, and at other times, four of five officers were assigned to as many as 500 inmates or more

(2) In the west unit, where there are 315 to 320 inmates (where Officer Williams was stabbed), two officers were assigned when 20 to 25 officers are needed.

(3) Custodial officers have been assigned to duties outside of the prison when they are needed on that job more than any other place.

3. Mr. HENDERSON. Commented that tower officers are working ground jobs at tower pay. The reverse of correctional officers working tower jobs.

4. Mr. BAILEY (east unit):

(a) Inmates complaints are directed mainly at food. The reasons being:

1. Faulty maintenance of kitchen equipment is partially responsible.

2. Management makes lame excuses about lacking money for minimal maintenance and repair.

(b) Industry programs: The tag, furniture and farm operations:

(1) The canned foods from Belle Glade in many instances were 50 percent unusable and in very poor condition; much the same from any other food stuff; results from a bad food management program at the prison that comes under the food services director.

(2) Mr. Suarez joined Mr. Bailey in pointing out that the preventive maintenance on equipment is nonexistent.

5. Other general comments included:

(a) High Hazard Retirement provision. Some employees are and part are not—all should be.

(b) Correctional Officers should get death benefits that other law enforcement officers get. After all, their's is as high a hazard as you can get when you consider today's penal atmosphere.

Respectfully submitted.

CLIFFORD MARTIN, *Secretary*.

Approved:

JOHN F. DONOVAN, *President, Local 2231*.

VICE PRESIDENT EDWARD E. SUAREZ' COMMENTS ON THE NEEDS OF THE SYSTEM

1. Better salaries—adequate to support family.

2. Better promotional system—a "meaningful" system based on qualifications and seniority.

3. Better working conditions. Enough personnel to carry workload without having one man do two or three men's work.

4. Safer working conditions. Enough personnel to show some force and to better supervise inmates.

5. Better retirement system with State paying fair share.

6. Better insurance benefits with State paying fair share.

7. Pay for unused sick leave upon leaving or retirement.

8. Rules and regulations for inmates to go by. Some form of discipline for violators with backing of institution.

9. Equality in pay raises instead of good raises for choice few.

10. Every consideration in job assignments according to age and physical condition. Eliminate the "cousin" system.

11. Educational courses for correctional personnel. All officers should be required to attend—on company time.

12. Overtime: Presently encourage correctional officers to "moonlight" as all shifts operate short. Operating with less personnel is an operation with inherent dangers. Yes, we are high-risk personnel; the environment we operate in is charged with all the elements of danger.

13. Uniforms. Present system should be scraped. Replace with cash uniform allowance. Some correctional officers, even after months with the division, do not have uniforms.

In summary, to correct the inequities of the past and present these items should be reconciled:

1. Adequate pay.

2. Adequate personnel on each shift.

3. Longevity pay based on merit and qualification requirements; that is, education, experience.

4. A "meaningful" seniority system to reflect a man's progress so that he could see his "notch" move up. This in itself would help correct the huge turnover of personnel.

5. More steps in the promotion ladder; that is, corporal rating between correctional officer and sergeant.

6. An adequate training program to produce correctional officers with the necessary capabilities to respond effectively to their many challenges. At present, they have no real training programs.

The CHAIRMAN. The committee will adjourn until 9:45 tomorrow morning.

(Whereupon, at 5:45 p.m., the hearing adjourned to reconvene at 9:45 a.m., Friday, December 3, 1971.)

AMERICAN PRISONS IN TURMOIL

FRIDAY, DECEMBER 3, 1971

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 345, Cannon House Office Building, Hon. Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Mann, Wiggins, and Winn.

Also present: Joseph A. Phillips, chief counsel; Michael Blommer, associate chief counsel; Christopher Nelde, associate counsel; and Leroy Bedell, hearings officer.

The CHAIRMAN. The committee will come to order, please.

We are very pleased today to have two of the Nation's leading experts in the field of corrections with us. One is Mr. George F. McGrath, commissioner of corrections for the city of New York, although he has recently announced his resignation from that post after 5 years of service in one of the most difficult jobs in the country, and the other one is Commissioner William D. Leeke, director of the South Carolina Department of Corrections. Mr. Leeke has been director for the past 5 years and is chairman of the American Correctional Association Committee on Riots and Disturbances. Mr. Leeke will be introduced later by one of my distinguished colleagues.

While these men come from divergent sections of the country many of the problems they face—including what measures to take when confronting a serious prison disturbance—are much the same.

This committee is interested in the causes of prison disturbances and riots because programs for the treatment and rehabilitation of prisoners have obviously broken down when they occur.

We are convinced, by the testimony of the past 4 days, that the high crime rate in the country could be dramatically reduced if we can effectuate programs that will truly rehabilitate a person convicted of a crime and confined in such institution.

As it is, three out of four men released from our prisons today will be back again, convicted of a new crime and often without too much time intervening.

We are particularly interested this morning in hearing from these witnesses what they believe to be the principal causes of prison riots and disturbances and how we should deal with them in the future.

I would like if I may to ask my distinguished colleague, Mr. Mann, who is a long-time friend and official associate of one of our witnesses this morning, if he will present him to the committee.

Mr. MANN. Thank you, Mr. Chairman.

It is my great privilege to present William D. Leeke, the director of the South Carolina Department of Corrections. Back in 1957, when I was the prosecuting attorney for the State of South Carolina in the 13th judicial circuit, which included Greenville County, we had an innovative program, a youthful offender rehabilitation camp, and the director of that camp at that time was William D. Leeke.

It has been my privilege to see him advance in the area of corrections, not only with reference to the jobs that he has held but with particular reference to the role that he has played in our country through participation in the various organizations that are interested in corrections, through participation in seminars and conferences throughout the country—and he is scheduled to appear in Williamsburg this coming week—and through his authorship of various articles and through his making speeches before interested groups of all sorts.

An example of the innovative work he is doing is sitting beside him, his director of the planning and research I think he calls him, Mr. Hugh Clements.

Mr. Chairman, I take particular pleasure in presenting these gentlemen to the committee.

The CHAIRMAN. Thank you very much, Mr. Mann.

Mr. Leeke, didn't you appear before our committee when we had our hearing in Columbia?

STATEMENT OF WILLIAM D. LEEKE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS: ACCOMPANIED BY DR. HUBERT M. CLEMENTS, ASSISTANT DIRECTOR, RESEARCH, PLANNING, AND DEVELOPMENT

Mr. LEEKE. Yes, sir, back in 1969.

The CHAIRMAN. I thought you did and I remember many, many favorable comments that I heard and many things that we received that indicated the very fine work you were doing in the correctional institutions of South Carolina. We are, therefore, very pleased to have you with us.

You are accompanied by one of your associates?

Mr. LEEKE. Yes, sir, Dr. Hubert Clements, seated to my left.

The CHAIRMAN. Would you give us a little bit of his background and experience?

Mr. LEEKE. All right, sir. Seated to my left is Dr. Hubert Clements, originally a native of Georgia but now in the fine State of South Carolina, and Georgia's loss, of course, is South Carolina's gain. When he came with us about 2 years ago we had no research, planning, and development department. We have expanded from a one-man operation to 21 people employed in research, planning, and development, and Dr. Clements heads up that division. We are in the process now of trying to computerize all information to feed into any nationwide criminal justice information system, and we are very pleased to have a gentleman of his capacity to work in our department.

It was my pleasure to testify before your committee back in 1969 in South Carolina. At that time we were in the process of opening a series of community-based correctional centers. As a matter of fact,

you and some of your colleagues visited one of those centers located in West Columbia. Since that time we have progressed to the point where we have five community-based prerelease centers and today my remarks are primarily designed toward some of the more progressive-type programs that are being implemented in the State of South Carolina. However, I will be glad to try to answer any questions on any other subject matter. However, I understood my role is to present some of the more progressive programs going on throughout the country. Through our system of community-based prerelease centers—some are called work-release centers, halfway houses, but we use the terminology “community-based prerelease centers.” Here individuals are screened and go into the particular centers that accommodate 50 to 60 people. These centers are located in downtown areas or on the outskirts of towns, and work-release participants commute daily to regular jobs in the community. Also, citizens come into the prerelease and training at night. Work-release participants pay to the State of South Carolina \$3.50 per day. They pay city taxes, Federal taxes, and as a result of this they end up being assets to the State rather than liabilities.

South Carolina is not a very wealthy State, as you probably know, so our per annum cost to house individuals is still under \$2,000. As a matter of fact, last year it was \$1,886 to confine an individual in a regular institution for a year. This includes all the costs—medical, maintenance, supervision, and so forth.

The CHAIRMAN. I remember very well our visit to that release center and how impressed we all were with it. I also remember the very delightful luncheon you gave us and the delightful dinner on the river that the sheriff gave us while we were there. So we have the most pleasant memories of our visit to Columbia.

Mr. LEEKE. Thank you. Since 1968, since we began the series of community-based prerelease centers, less than 10 percent of the people who have successfully completed work release have returned to the South Carolina Department of Corrections for parole violations or new offenses; consequently, our work-release programs appear to be effective as a deterrent to crime.

This is theoretical inasmuch as rehabilitation and recidivism rates are difficult to define. We don't know at this point who might leave the State of South Carolina and go to another State and get into trouble there, so our figures are based on those people who leave and subsequently return to the South Carolina Department of Corrections. Based on these figures the recidivism rate is extremely low. We are very pleased with it, but from an economic point of view there is no question as to the success of the program.

For the period January 1968 to November 1, 1971, I would like to relate finally how this program operates. The total earnings of inmates participating in the community-based programs amounted to \$2,210,913.18. They paid taxes in the amount of \$326,477.53. Breaking that down, Federal taxes of \$211,756.95; social security, \$83,680.69; State taxes of \$31,039.89; and they paid to the South Carolina Department of Corrections at the rate of \$3.50 per day room, board, and transportation, \$560,424.39; and also paid to their dependents \$338,937.72.

Normally an incarcerated offender is a total tax liability to the taxpayer. Work-release participants in South Carolina are an economic asset rather than a liability. I will illustrate this point with an example: Estimated tax payments are based on a married person with one dependent and who earns an average weekly salary of \$98.24. Inmates at Mid-State Community Prerelease Center earned \$98.24 per week during 1970-71. Based on this annual weekly salary of \$98.24, analyzing that would be \$5,108.48, paying Federal taxes of \$546, State taxes of \$96.98, social security, \$265.72, and paying to the South Carolina Department of Corrections \$1,277.50.

When you analyze all of this what it breaks down to is it cost the State of South Carolina approximately \$300.20 per year as opposed to approximately a liability in a regular bastille-type facility or regular institution in our State of a little less than \$2,000.

Beyond that point, the low rate of return makes it very easy to understand that community-based programs are far superior to the regular bastille with thousands of people confined in an unnatural-type environment. It is very difficult to overcome some of the objection when you attempt to open such centers. You have law enforcement who are not always inclined to feel this type of program is in the best interests of the citizens. There is certainly some fear of possible subsequent crimes that might be committed while confined in these facilities, but in 3½ years of experience, we have managed to overcome the objections, not only of law enforcement but of the citizens and anybody else that might have been concerned. We now have in operation five centers, with a sixth and seventh center planned shortly.

Through the efforts of Dr. Clements and people like him, we have been able to obtain a grant from LEAA in excess of \$300,000 to implement a program called Project Transition where we have job development specialists and job coaches working out of these community centers to assist in obtaining quality employment for inmates who are being released. In Project Transition, a quality job is one which pays at least \$2 per hour and has career potential. In addition to this program, we have recently received a grant of—

THE CHAIRMAN. How many people do you have in this work-release program?

MR. LEEKE. We have at the present time five centers which house 50 to 60 individuals in each center, so that would be at one time approximately 250 to 300 individuals participating. Our criteria for selection for participation is if they are serving a life sentence, they have to be within 1 year of their parole eligibility at the present time, or they have to complete 25 percent of their sentence if it is 5 years or less. So an individual with a life sentence in our State would be eligible for parole after 10 years; therefore, he could participate in the program after 9 years. That is not by law, but rather by administrative policy.

As we open more community-based centers, we would hopefully lower the criteria as far as the amount of time he would have to serve in order to enter such a program.

MR. MANX. What is the average stay in the prerelease center?

MR. LEEKE. It ranges from 90 days to a year. The regular long-term work release would be as long as a year. Also, we have a number that

are processed for the last 90 days of their sentence. In some cases, they stay there in excess of 1 year. That is a case where an individual might have been there and still not earned parole and could possibly be there as long as 2 years, but the majority would be 1 year or less the time of participation.

We anticipate in the future when the judicial selection works closer with corrections whereby men might be sent directly from the court to the center rather than be incarcerated in a bastille such as a correctional institution or State penitentiary, so we would hope one day this will transfer.

In our State as in many other States, the problem of drug abuse and drug-related crime is becoming a problem. Fortunately, we have been able to receive funds in the amount of \$835,000 from the Office of Economic Opportunity to implement a program for treatment of those people who are either drug abusers or have committed crimes as a result of drug abuse. And this program is presently in operation and funded for 2 years, and to my knowledge, my State is one of the few States or only State where a correctional system has been funded for drug treatment.

In addition to this, we have many other programs inside of our institutions for the education of inmates through high school and now a college program. We have 27 inmates involved in a college program. Also under the Youthful Offender Act, which is an indeterminate sentence act, we can allow people near the end of their sentence to have the capacity to go back to a particular education center while they are still under sentence on a leave-of-absence type of arrangement. To date, we have little or no problem with any repercussions as a result of this program. I think a lot of fears of the individual are not really well-founded but rather reflect apprehensions for which there are no basis in facts.

As I mentioned earlier, one of our desires is to develop more and more information, factual statistical information. Business and industry succeeds or fails on their efforts to provide adequate research and know what products are marketable. I think if correctional systems don't go in this direction, they are sadly missing the boat, so we are trying to find out in our State exactly what the picture is as far as profile of the offender; and through a grant, again from the Law Enforcement Assistance Administration, we are beginning to computerize all information which we hope will eventually feed into a state-wide and eventually a nationwide system of crime information collection.

We have been funded for a number of grants. One significant grant in our State has to do with a court decision research project. We have a committee of consultants from throughout the Nation, and Dr. Clements is project director. We are researching all of the decisions of the courts concerning the rights of the confined. Numerous decisions have been rendered which affect corrections administrators throughout the country. This research will delineate the rights of the confined as reflected in these court decisions, so hopefully through this research we will be able to come out with a publication that will indicate what the courts have done to date as far as the rights of the confined are concerned.

Many people are under the impression that an individual who is incarcerated has no rights, but the courts have ruled otherwise, and there have been many, many decisions regarding the rights of the confined. So this is a grant to the department of corrections of approximately \$65,000 for nationwide research programs.

Another grant of significance is a collective violence research project which is designed for an 18-month period, whereby we will trace back to 1900, riots and disturbances in correctional institutions throughout the Nation, and a publication will be forthcoming relating what may be some of the causes and preventive measures that are involved in the way of riots and disturbances.

The official publication of the American Correctional Association entitled "Causes, Preventive Measures, and Methods of Controlling Riots and Disturbances in Correctional Institutions" was published under another grant from the Law Enforcement Assistance Administration, and we gave the copyright to the American Correctional Association.

I am chairman of this committee, and again we had geographical representation throughout the country. This publication is sold through the American Correctional Association and delves in the area of preventive measures and methods of controlling riots and disturbances.

In the area of recreation within our institution, you may have read in the papers where we have a young man who is not only one of the National Amateur Athletic Union boxing champions, but also we sent him on to South America to the Pan American Games where he won a bronze medal and came back to the State of South Carolina and is still serving a prison sentence. He has been selected as a potential candidate for the U.S. Olympic Games in 1973. This is a first in the Nation. He is a young man who was born in a ghetto area and grew up in a rather difficult part of Charleston, S.C., but he has proven himself in many ways and overcome many obstacles. He has gone on to bring back to the State of South Carolina a bronze medal from the Pan American Games.

In concluding my testimony, may I say that I hope that due to the crisis of the 1970's that appears to be in corrections and the judicial system and also law enforcement, but primarily that of our correctional systems. I would hope that this committee might be able to bring about substantial and sustained Federal funding that would be directed toward relieving some of the many problems we have in administering correctional systems. Correctional systems have been neglected for many years both by, I think, State legislators, and with all respect I think the Federal Government has not done its part in alleviating some of our problems.

The CHAIRMAN. While you are discussing that matter, we would be interested in knowing your recommendations as to how Federal funding should be applied? For what programs should Federal funds be available? Should it include construction of facilities?

Mr. LEAKE. I will, of course, speak honestly to the issue. I prefer not to see programs of construction of facilities. Unfortunately, if you go into the direction of court diversionary programs or community-based facilities, money is required for brick and mortar. Community-

based centers like those we have in our State have been established by leasing closed facilities such as a TB hospital obtained for a dollar-a-year lease. We have had to actually be in the real estate business. I suggest that certain States be selected as model States to attempt to see what can be done. With substantial funding to these model States, it would be possible to see what could be done in the way of bringing about changes in corrections. Funds could be placed in these States for programs such as community-based centers which we have been talking about earlier and the court diversionary programs through which people might go directly into the community centers, especially for crimes where property is taken—theft as opposed to violent action—which might be very difficult during this era of our society to get people to understand; a study as far as the restitution of victims of crimes whereby the earnings of people in work release might be paid and the sentence reduced, especially in cases of crime against property, by payment of earnings derived from work-release programs.

So my idea would be that if certain States could be selected and adequate funds placed in that State similar to model cities under HUD, I believe that we could see what could really be done in the area of corrections. As it is now we all have to compete for funds, and we really have no model to follow because we are so fragmented in the criminal justice system. There is also a great degree of fragmentation within the corrections system. Parole authority is one agency, juvenile institutions another agency. In many States adult corrections is still another agency.

So in short I would like to see a State selected as a model State to try to develop meaningful and effective programs, but this would require considerable and sustained Federal funding for several years.

The CHAIRMAN. Anything further, Mr. Leeke? If not, Mr. Mann, would you like to inquire?

Mr. MANN. Let us pursue that a little bit further. Let us assume that there will be no model program established by the Federal Government, and based upon your present outlook, what would be appropriate use of programs for Federal funding. You have already indicated that preferably those funds be used for something more imaginative than brick and mortar.

Mr. LEEKE. As I mentioned earlier, court diversionary programs. I had the pleasure yesterday of talking with one judge who is very much interested in seeing if we can bring about more presentence investigations prior to many imposing sentence.

Mr. MANN. We will admit that South Carolina is deficient in that regard.

Mr. LEEKE. Sir?

Mr. MANN. South Carolina is in sad shape with reference to presentence investigations.

Mr. LEEKE. Yes; we are in desperate need for more information available to the judges prior to imposing sentences and we are discussing with one judge now in particular the possibility of a process whereby we might assist him in obtaining all of the necessary information in the way of presentence investigation prior to imposing sentence?

Mr. MANN. Not to leave the train of thought, you feel that primarily funding at this point would be the development of these prerelease or

diversionary facilities. That would involve not only real estate but staffing and research and that sort of thing?

Mr. LEEKE. Very definitely.

Mr. MANN. Now, getting back to this presentence idea which we are deficient on in South Carolina. What does the State department of corrections do with reference to classifying prisoners that are received from the State courts?

Mr. LEEKE. At the present time anyone sentenced to the South Carolina Department of Corrections goes through our reception and evaluation center. Our diagnostic center in itself is a renovated facility with matching funds both from the South Carolina Vocational Rehabilitation Agency and the South Carolina Department of Corrections. For approximately the first 3 weeks the process of evaluation takes place. Everything including psychological, medical examination, prior criminal activities, et cetera, is carried out there for the first 3 weeks of the sentence. Then he can be sentenced to one of some 17 institutions located throughout the State.

Our trend is away from the larger facility. We hope eventually to eliminate our central institutions.

One section of our State law allows a judge to send us an individual for presentence evaluation not to exceed 90 days, but this is primarily for the youth offender 17 through 21 years of age. We would like to see that expanded to the point in the community rather than one large central diagnostic center where we could provide this information back to the judge prior to imposing sentence.

In our State more and more of the judges are electing to sentence under this particular act so they have all types of information concerning the individual prior to imposing sentence.

Mr. MANN. This system is similar to the Federal system?

Mr. LEEKE. Yes, sir.

Mr. MANN. Now, in carrying out this classification or that presentence evaluation upon direction of the court, these people are kept in a segregated facility from the main institution?

Mr. LEEKE. Yes, sir.

Mr. MANN. What is the population of the State correction system?

Mr. LEEKE. Total State population in South Carolina is in excess of 5,000. Approximately 3,300 come directly under the jurisdiction of the South Carolina Department of Corrections, and another 2,000 are confined in county systems. We have the authority for inspection and the authority to close facilities at the county level now, under an act passed by the legislature last year.

Mr. MANN. This is what I wanted to ask you about. South Carolina still has a division of authority between county prisons and the State prison system, whereby crimes of all types, regardless of the sentence, except a death sentence, can serve their time at the discretion of county authorities in a county prison. It is really up to those county authorities whether or not a person is sent to the State correctional system.

Now, the only authority you have over the county systems at this time is one of inspection: is that correct?

Mr. LEEKE. That is correct.

Mr. MANN. Do you favor a total takeover of the system by the State department of corrections?

Mr. LEEKE. I think it would be much more practical if it were under one system of control because the county is autonomous to the State, they are autonomous to each other. I think that with Federal funding under the crime bill, regional facilities could be developed with innovative design. To answer your question, yes.

Mr. MANN. Can we agree that the county systems have literally no system of classification?

Mr. LEEKE. That is very true.

Mr. MANN. That the prisons are mixed indiscriminately depending upon the decision of a local person such as the road supervisor, for example, who is in charge of the county prisons in most cases, so there is professionalism exerted in the assignment of those prisons.

Mr. LEEKE. Yes, sir.

Mr. MANN. They are largely arbitrary assignment?

Mr. LEEKE. Very definitely arbitrary assignment. I think if it is not changed, the courts will eventually rule it unconstitutional.

Mr. MANN. And are there not differences in treatment that create a tug of war between prisoners generally as to where they would like to be assigned to serve their time. Through influences of one sort or another, they can try to serve their time on the county prison camp instead of going to the State prison; or if they get to the State prison, they make efforts to try to get back to the county camp. Do you not have that problem?

Mr. LEEKE. Yes, sir; very definitely.

Mr. MANN. Aggravating that problem is the fact in some county prison camps, for example, conjugal visits are permitted. Is that your understanding?

Mr. LEEKE. Yes, sir.

Mr. MANN. What is done in the State system, and what is your view on conjugal visits?

Mr. LEEKE. In our State system, we have under legislation passed by the State legislature, we have a leave program or furlough-type program whereby individuals in the community-based centers are allowed to go home two times a month for 24 hours. This is not defined as conjugal visiting in the law. However, certainly it is a conjugal visit that transpires, to say the least. Within the regular stream of confinement in the institution, we have a leave or furlough program whereby those that earn a certain status as far as custody—amount of trust that can be placed in them—can leave and go home several times a year for 48 hours, but the people that do not earn this custody status, of course, are in confinement within the facility, and there is no conjugal visiting for a large percentage of our people.

Mr. MANN. But you do have a furlough system throughout the State correctional department?

Mr. LEEKE. Right.

Mr. MANN. Among those, how many county prison camps are there? How many counties have their own prison system?

Mr. LEEKE. Forty-three have some form of —

Mr. MANN. And their policies with reference to those things follow no consistent pattern.

Mr. LEEKE. That is very accurate.

Mr. MANN. Your statistics are not sophisticated enough at this point to compare the rate of recidivism from county prisons as compared to the State correctional system?

Mr. LEEKE. No, sir; they are not. We can't get the information from the counties that we would like to receive. There is a law that requires them to report to the State system all those that are confined in the counties, but all the information we can collect now is under an inspection program—jail and prison inspection program—whereby we can get certain information, but it is far from being adequate to computerize it.

Mr. MANN. You mentioned the grant for a comprehensive drug abuse treatment and prevention program, but you gave us no details about the program. Is it a recently established program, or can you give us some details?

Mr. LEEKE. I can give you generally what occurs there, how it is designed, and if you don't mind I will hit on some of the highlights of this program.

The drug abuse treatment program is designed to provide comprehensive rehabilitation services for drug addicts, as well as a large-scale prevention-oriented education program. This program offers purposeful, comprehensive treatment for drug abusers after their commitment to the South Carolina Department of Corrections, and helps the individual to realistically define his abilities and liabilities, and to provide those services and support needed by him so that he may develop his abilities in order to alter his behavior and overcome his dependence on drugs. The program offers the following services:

(a) Medical and dental services are offered to assure that any physical disabilities are corrected.

(b) Group counseling augmented by individual psychotherapy is an integral part of the program and will continue throughout the individual's treatment plan. It is aimed at helping the individual find the strength to break away from his dependence on drugs.

(c) Academic and vocational training in many areas are offered in order to give the individual the ability to break away from poverty and crime upon his reentry into the community is effected.

(d) Talent development is an important part of each individual's program, with emphasis on music, art, drama, and physical abilities. The therapeutic value of helping the individual is aimed at realization and development of latent abilities; and

(e) At the same time, it is not the purpose of the program to try to isolate the individual's problem from the community. Contact and support must be maintained with the individual's family. This contact and support will continue after his reentry into the community.

These are some of the highlights of it. But it involves continued urine analysis, both of the individual in the program as well as the staff. We are requiring the urinalysis periodically to insure if drugs are smuggled into the institution, it can be detected. The individual has to volunteer for the program. So if he is detected of having received drugs while confined, he is not punished but may be removed from the program. We are insuring that he not be prosecuted if he volunteers for the program and tries to get treatment and violates by having drugs smuggled in to him. If he were to commit a criminal act,

then, of course, we would have no alternative but to prosecute. But simply to have drugs, have gotten drugs while in the program, he could just be dropped from the program.

Mr. MANN. OK.

The CHAIRMAN. Mr. Wiggins?

Mr. WIGGINS. You have several innovative and apparently quite successful programs in South Carolina. Is there any national exchange of information with respect to those in corrections so that successful efforts in one State are made known on a regular basis to those in corrections in other States?

Mr. LEEKE. At the present time, I am president of the Association of State Correctional Administrators. For the first time in history, we had a meeting in San Francisco recently where we brought all of the jurisdictions together, rather than simply an annual meeting. The results of that meeting are to attempt to obtain Federal funds; to have a meeting of these same people to get to the 10 major areas that are under continual attack by the courts and by various citizens, to bring together, break down into small groups, to see if we can't determine policies that might cross State lines and various jurisdictions to bring about a consistent policy across State lines to where one inmate might be treated the same in South Carolina as he would be in the city of New York where disciplinary procedures and other areas might be the same as though they cross State lines.

Mr. WIGGINS. It is becoming stylish in other areas to create institutes with Federal funds and by Federal legislation, those institutes being charged with responsibility to collect and disseminate data, often to conduct training and other matters. Are there any formalized institutes in the area of corrections for that purpose?

Mr. LEEKE. Well, the Institute of Government. At the University of Georgia, presently there is a program that is funded by LEAA for a series of management training programs for lower management, middle management, and upper management. That is one that I know of right offhand.

I am a member of the advisory board.

Mr. WIGGINS. Is it also a data-collecting agency?

Mr. LEEKE. No, sir; it is not.

Mr. WIGGINS. Do you have any thoughts on the wisdom of such an approach? It has been proposed now in the case of juveniles. It is in existence in other areas. What is your observation concerning the wisdom of the creation of an institute for the collection of data on corrections, dissemination of that data, and analysis of the efficacy of programs in one State and reporting that analysis to prison administrators in all States, and also perhaps charged with the responsibility of conducting training institutes for administrators and others in the correctional system.

Mr. LEEKE. Project Search is a program that is ongoing now that involves approximately 13 or 15 States on an experimental basis, and hopefully will bring about a system whereby nationwide there will be a criminal information collection system.

In our particular State, we do have funds for a statewide system that will first of all help law enforcement primarily and later will assist corrections, but it appears that the trend is to assist law enforcement first, and then later on the information will be helpful to cor-

rectional administrators, but it appears to be headed toward law enforcement first of all under this particular program.

Mr. WIGGINS. Do your correctional officers participate in and take advantage of the LEEP?

Mr. LEEKE. Yes, sir; we have some 150 officers who are pursuing 2-year associate degrees under funds made available. They go to the University of South Carolina and also Palmer College. Some of the classes are conducted at the institutions; others go to the university for this training.

We have a pay increment program where as they successfully complete 12 semester hours, we provide a pay increment to encourage them to continue their education.

Mr. WIGGINS. Do you have any suggestions on how to improve that program?

Mr. LEEKE. It is my understanding that funds are being cut back in this area—if I am correct Dr. Clements—that under this particular aspect, that funds may be not as available during the coming years as they have been in the past year?

Dr. CLEMENTS. Yes, sir.

Mr. LEEKE. In our State, we are in the process of constructing a criminal justice training academy whereby all components of the criminal justice system will be trained under one roof as opposed to the fragmentation that exists where hopefully law enforcement will understand better the problems of corrections and vice versa and the judicial system will be involved in one. One that carries a weapon or uses gas will certainly be required to come up to certain minimum standards before he can call himself a law enforcement officer or before he can be a regular correctional officer inside of an institution.

Mr. WIGGINS. That is a training academy as distinguished from financial assistance for those officers who are training or attending classes in an academic institution; isn't that correct?

Mr. LEEKE. Yes, sir.

Mr. WIGGINS. It is apparent that your State along with all of the others deals with multiple Federal agencies in discharging your responsibilities. You deal with the Law Enforcement Assistance Administration; you probably have manpower programs funded by the Department of Labor. I have no doubt that HEW is involved, and you described an OEO-funded drug program in your prisons.

What do you have to say about that as a technique for providing Federal assistance to the needs of corrections in the State of South Carolina?

Mr. LEEKE. Well, one problem we have is, at any time we receive Federal funds, it is generally on a 1-year basis, and we worry about next year, what happens to those employees, are we able to retain them, will the State legislature provide adequate funds to pick up these positions? So it is a continued problem, and the disparity of rules and policies among Federal agencies is quite a problem. You have to have a staff of very competent people to submit grant applications in order to receive the Federal funds.

We have been quite successful in receiving Federal funds, but with the diversification among the various agencies dispensing these funds it is very difficult to keep up with everything. You get spread so thin

by dealing with so many different funding agencies, it becomes quite difficult.

Mr. WIGGINS. It appears that it probably is a very inefficient means of getting money out of the end of the pipeline. Do you concur in that observation?

Mr. LEEKE. Yes; I concur.

Mr. WIGGINS. What would be your thought about the creation of a new agency, but only one, through which all funds that go to prisons must be funneled? You would lose the access to OEO and IHEW, Department of Labor, and the other agencies, but at least you would be dealing with just one agency. Does that appeal to you?

Mr. LEEKE. I think it certainly has some merit, there is no question in my mind it would be much easier than now. The fragmentation of having to deal with so many different agencies and trying to find out where funds are available, I think it would certainly have merit.

Mr. WIGGINS. Later on today we are going to hear from a witness now seated in the audience, Mr. Velde, from the Law Enforcement Assistance Administration. I am going to ask him some questions that go to the structure of his agency. Let me try them on for size with you and get your thinking.

The Federal Government is involved in the law enforcement business and indeed in almost every other area of human activity in a programmatic sort of way. By that I mean to say we provide funds for programs which have been approved either by a State planning agency and reviewed by a Federal agency or often approved by a Federal agency directly. It is a shotgun, scattered approach. The programs extend for a year with no promise of renewal. Often the program must be so innovative that a State, if it were compelled to expend its own money, would rank it well down on its own order of priorities.

What would you say to the idea that the United States just got out of the program business entirely? Suppose alternatively, we took over entirely the construction of State correctional facilities, an effort that involves no programs as such.

Mr. LEEKE. With all respect I think many States are much more innovative now than the Federal Bureau of Prisons, without disrespect to the Federal Bureau of Prisons, so I really don't feel threatened by that. I think it would certainly have some merit to it. However, I think in a way you would be certainly dealing with a monster-type operation that would be very difficult to handle.

There are studies now under the University of Illinois, the Clearing house for Correctional Architecture, for correctional facilities and designed, whereby they recommend that in order to receive Federal funds that no facility in excess of 400 be built. I think this in itself, the study, the later type design of facilities is going to be very effective. That is funded under Law Enforcement Assistance Administration and I think it in itself, assuming the part E of the crime bill of 1968, does receive adequate funding where 3-to-1 matching funds could come into the State, I think it in itself could go a long way toward solving some of the problems of construction and design of facilities.

Mr. WIGGINS. I am not saying that is the area of principal need. I am merely suggesting construction because it does not involve programs; it does not involve Federal administration even indirectly of prisons. It would be just a brick and mortar program. It would relieve States of a financial burden in that area so that those funds could conceivably be used in program areas in any manner the State saw fit. Have you ever thought about that before?

Mr. LEEKE. Yes, sir.

Mr. WIGGINS. I infer from your response that the reception is less than warm, perhaps even cool. Everyone is nodding and the reporter will indicate the answers are affirmative; is that right?

Mr. LEEKE. I didn't understand that question.

Mr. WIGGINS. I think I understood the response, even though you did not understand the question.

In your work-release programs do you have any union problems?

Mr. LEEKE. No, sir; in South Carolina unions aren't as strong as they are in other States. To the contrary, we have no problem of placement of individuals. The unemployment index appears to be high, yet we have no problem in finding jobs for individuals in our work-release programs.

Mr. WIGGINS. You indicated \$98-something a week for at least some employees. Is that consistent with the Federal minimum wage?

Mr. LEEKE. Yes, sir; the minimum wage in our State is \$1.65 an hour but most of the people are earning in excess of \$2 an hour. While this sounds low, for example, in Charleston, S.C., we have primarily Federal installations, military bases and all, and we are now about to break some barriers that exist in the employment by the Federal Government of offenders while they are finishing their sentences. We are hoping that Governor Hughes' commission, the American Bar Association Commission on Correctional Facilities and Services, will be able to assist in legislation that might overcome some of these barriers.

As I understand it now, Federal inmates are allowed to work during their period of work release but unfortunately we are trying to overcome this barrier as far as inmates of State systems working in Federal installations where they might possibly be security problems of some type. In Spartanburg, S.C., the average weekly earning would be as high as \$124 per week as opposed to Charleston where it might run something like \$94 or \$90 a week.

Mr. WIGGINS. Is the disposition of net pay a matter left to the discretion of the inmate or are the funds taken from him and applied to the support of his family, to savings or whatever?

Mr. LEEKE. First of all, he is required, initially, to save \$100 for his release. He is required to pay to the State \$3.50 a day for room, board, and transportation. The majority of the individuals that have families voluntarily support their families, they are not forced to provide support to their families, but the majority elect to send money to their families if they have dependents.

Mr. WIGGINS. If they do not elect to do so, you do nothing about that?

Mr. LEEKE. It hasn't been a problem, sir. Those that do have families do support them. There are a few exceptions. But many families are being removed from welfare roles as a result of the portion of the earnings going to the dependents.

As I indicated in my earlier testimony, over a several-year period several hundred thousand dollars were disbursed to dependents.

Mr. WIGGINS. I saw the figures.

Mr. LEEKE. \$338,937.72 during that period was paid to dependents.

Mr. WIGGINS. What do you think about the wisdom of requiring that the money be disposed of in a certain way, in effect taking the judgment away from the prisoner as to the disposition of his earnings?

Mr. LEEKE. I think there is certainly merit in that and if we find that they are not voluntarily doing it we certainly feel we could possibly require it. But to this date it has not been a problem. They have voluntarily done so. And the private individual in our community-based problem is such that the majority do want to help support their families.

Mr. WIGGINS. Well, I realize you can do in the State of South Carolina just about what you please with your tax money, but I am thinking in terms of the Federal Government becoming involved, for example, in work-release programs. Should we impose criteria to receipt of those funds or conditions rather than on receipt of those funds such as I have just described? Would that be a reasonable limitation to place on the funds?

Mr. LEEKE. I think it certainly would be reasonable.

Mr. WIGGINS. I would like to conclude, sir, with a brief observation and some questions. It is apparent that the Federal Government ought not to undertake to administer State prisons. If we are going to do anything, we probably are going to provide funding for ongoing or innovative new State programs. It is unreasonable, I think, to expect that the money will simply be dumped in a State without some conditions as to its expenditure. What do you think would be reasonable conditions to impose on the receipt of that money?

Mr. LEEKE. That is a very difficult question to answer, sir. I think certainly that one thing that should be avoided is the continued construction of large, ill-designed facilities. I think that should be one requirement. That they not be allowed to continue building the monstrous-type high-walled 2,000-man, 3,000-man facilities. They are very difficult to manage. They turn an individual into a career criminal, and there are many more problems that occur. There are several assaults, physical assaults. In our State years ago when facilities were constructed, they went for open dormitories as opposed to individual living areas, and as a result it is impossible to survey and determine what is going on there.

Mr. WIGGINS. Let me suppose this. Let us suppose that the condition is that the money must be spent on programs and not on construction. How about that as a condition?

Mr. LEEKE. I would certainly think we could live with that. However, with all respect, I think some of the bastilles that now exist have got to be eliminated. We have a problem of, say, in our State an institution with 1,700 individuals in it which was designed for 1,100. How are we going to get them out of these institutions into community-based programs when we can only accommodate so many? It would be a problem of eliminating all brick and mortar. I prefer programs as opposed to brick-and-mortar facilities. However, we are stuck, to use the slang word, with a large number of inmates, and we have these bastilles now. Until we do develop court diversionary programs and have facilities

at the community level, I don't know where we could physically place people.

Mr. WIGGINS. What do you think of the condition about limiting the use of Federal funds so that those funds may not be used for salaries?

Mr. LEEKE. I think we could probably live with that.

Mr. WIGGINS. Don't you think it is desirable? I am not imposing anything on you; I am just getting your observation.

Mr. LEEKE. Well, sir, I would say it would probably be not desirable.

Mr. WIGGINS. Do you think in some States—I will direct this later on to you, Mr. McGrath—the demand of employee groups would be such that any Federal funds would be milked off into salary increases without achieving any programmatic changes.

Mr. LEEKE. I think that could certainly happen; there is no question about it.

Mr. WIGGINS. We have part E of the Law Enforcement Assistance Act, which is the principal vehicle for funneling Federal dollars—at least it is envisioned to be the principal vehicle for funneling Federal dollars—into corrections.

Is it your recommendation that we simply beef up appropriations that are earmarked for corrections under the administrative apparatus of the Law Enforcement Assistance Administration and all that may mean in your State, or that we abandon LEAA as the administrative vehicle for getting dollars to States for corrections and to set up some new apparatus?

Mr. LEEKE. Well, my comment would be we have had extremely very good success with our dealings with Law Enforcement Assistance Administration. I am sure other States may not have had as good an experience as we have had, but I don't know what vehicle that would be. My main concern is that would the funds be available. They can deliver the money by any type vehicle that is available. Probably at the President's Conference on Corrections, some announcement might be forthcoming on some existing funds and the channeling in. I think that more and more certainly the Department of Labor is being involved. We have now in our State a planning study for the ideal manpower delivery system which would eventually lead toward the development of quality jobs for ex-offenders, and we are in a planning stage now if we are successful in submitting adequate plans, then we are probably going to be receiving several million dollars as a result of that planning. It is a problem to deal with so many different agencies. It becomes like dealing with an octopus, there are so many different people that do have funds available, but it is very difficult to get in and find out exactly what agency does so.

Our experience with LEAA has been quite pleasant, so I have nothing critical to say of LEAA.

Mr. WIGGINS. It is like dealing with an octopus and this one is going to squeeze you to death one of these days.

The CHAIRMAN. Mr. Winn?

Mr. WINN. Thank you, Mr. Chairman.

Mr. Leeke, we heard earlier in the week that one of the problems is some people feel that they have a hard time recruiting correctional officers and guards from the urban areas, and they get them from the rural areas.

In your experience, if they could secure a high percentage of guards from the urban areas, the ghettos, the blacks, the Puerto Ricans, do you think it would change an explosive situation in any of the prisons that builds up because of lack of communications? Do you think that is really going to make any drastic changes in the potential riots?

Mr. LEEKE. I certainly think so. We have now in the Department of Labor a program of public service careers, the only one in the Nation under Labor designed solely to recruit disadvantaged individuals. The determination for disadvantaged is made by the local employment security commission, which is the Department of Labor. It also provides for upgrade training for correctional officers—the regular line officers. Approximately 20 percent of our employees are black. When I took over in the department of corrections, I could have counted probably on both hands the number there. We have actively recruited from minority groups and the disadvantaged sector for careers in corrections. I have no doubt in my mind but this is necessary that we do so.

Mr. WINN. That is encouraging to hear because I hadn't gotten the idea that it would do anything but appease possibly the blacks or the Puerto Ricans or whatever the minority might be, although I could see very possibly it could improve the communication system.

But along the same line, if you train, let's say if we train black guards, where you have a high percentage, 45, 50, 55 percent of the inmates are black, and so let's say that they can communicate better with the guards; do you think that the black correctional officers would allow more permissiveness?

Mr. LEEKE. No, sir; I don't.

Mr. WINN. You haven't found that.

Mr. LEEKE. Our experience has not been that way. We found in many cases the minority officer tends to be probably more strict than the officer dealing with another, not a minority group.

Mr. WINN. Well, in society in some places, blacks that are anties-establishment, when they find that a black is working with the establishment, he may be one of the greatest guys you have ever seen, and all of a sudden he becomes an Uncle Tom to a percentage of the blacks, and this is one of the problems in Government agencies we found. But you don't believe that would be the case in prison.

Mr. LEEKE. Well, sir, I think the terminology "Uncle Tom" is going to be used by certain people if they go to work in any branch of State or Federal Government, but I don't necessarily concur. I have had a black assistant director for almost 4 years now. He has two master's degrees. He has had several years experience and certainly I don't consider him an Uncle Tom, but others may. But I think that is a matter of—it is a judgment that is being made by someone. I give little credence to it.

Mr. WINN. I guess it depends on the individual because out at Lorton where they have an assistant warden who is black, and we talked to some of the black inmates, they hate him like they hate the regular warden, they don't care what color he is.

We are running short of time. I would like to ask you some short questions and if you can give some brief answers.

Do you think that the removal of agitators or the shifting to other prisons will prevent outbreaks or riots?

Mr. LEEKE. There are certain individuals that must be kept out of the regular prison population, yes, sir.

Mr. WINN. Along that same line, do you think most riots are spontaneous or planned? We have had quite a difference of opinion this week.

Mr. LEEKE. I am chairman of the Committee on Riots and Disturbances of the American Correctional Association, and I simply cannot answer that question. After we complete our present research on collective violence, we are hoping to be able to answer that question more specifically.

Mr. WINN. All right. In Attica they have a plan where the inmates are allowed to send sealed envelopes to attorneys and legislators who may be Marxists or leftists. What is your opinion of that?

Mr. LEEKE. I think the courts have decided that inmates must have unfettered access to the courts. In the course of doing that it means uninspected or uncensored mail is going to be allowed to go out. We have that in our State. We have certain problems with it but not problems significant enough to put undue restrictions on it.

Mr. WINN. What has been your experience with the creation of ad hoc inmate advisory groups as a means of preventing riots and disturbances?

Mr. LEEKE. We have had inmate advisory groups for 4 years now. I think they are extremely helpful. I think reasonable care must be exercised. You can't handpick the people. I am not saying that but I think there should be some criteria for those who serve. Ours are elected. At the moment we require 1 year clear disciplinary record, but I think we are going to remove that restriction.

Mr. WINN. What is your view on negotiations with inmates during an uprising?

Mr. LEEKE. In theory the answer is no, but in reality I think certainly there must be some type of discussion hopefully to prevent the killing of individuals.

Mr. WINN. They had all kinds of negotiations going on at Attica and it didn't seem to help a great deal, at least from what I gather.

Mr. LEEKE. Well, I think there is a point when the negotiations end. I was not at Attica.

Mr. WINN. You think maybe they were too late?

Mr. LEEKE. I will not attempt to do a post mortem on Attica but I do think there is a point when I think negotiations must cease. If they come to a complete standoff and nothing can be settled they must end and action must be taken hopefully with chemical agents, if possible. If not, ultimately you have to probably use what force is necessary to control.

Mr. WINN. That covers my next question where I was going to say what are your views on taking the prisons when there are hostages being held?

Mr. LEEKE. It would depend on the individual situation. I have been through a few prison riots myself and been in situations where people have been hostages. It is a very difficult situation and it is one that there is no simple answer to. You have to be there. You have to know the situation to adequately answer that question.

Mr. WINN. Just sort of play it by ear and see how tense it is and what the demands have been and everything that is being considered at the time; right?

Mr. LEEKE. Well, here is the official position of the American Correctional Association on Riots and Disturbances, but that book cannot tell you what to do when people are being held hostage. You have many pressures on you. You would like to see the people released unharmed. It is sort of an unanswerable question. You have to be there and have to know what the situation is in order to say what you would do.

Mr. WINN. I am not criticizing the book. I think you have to have a manual. But I agree with your philosophy, you have to be there, because I think each time you have a riot you could put some new chapters in that book.

Mr. LEEKE. That is right.

Mr. WINN. How do you identify the leadership of a proposed riot? We have heard about groups of leaders, some good, some bad, that can sway the motion and put together a basically tense situation and boil it or calm it down. How do you identify those leaders?

Mr. LEEKE. Of course open communication is one of the best preventive measures there where individuals in confinement can relate to either officers or middle management or upper management. In our State there is a great deal of communication from the administrator of the institution through inmate advisory committees and pretty well they know the temperature of the people and even in an institution as one with 1,700 inmates they know pretty well what is going on there and not through solely a system of informers but rather through open channels of communication. But any institution over 400 or 500 in size can be taken over by inmates because you are outnumbered so greatly. For a short period of time they could take it over.

Mr. WINN. How do you propose that we improve—because this has been brought up all week—lack of communications, particularly at Attica? Some of the previous inmates said there was practically no communications with the guards and correctional officers there at all, that they don't speak to each other, which builds up hate. I suppose, both ways.

What do you suggest we do to improve communications between the staff and correctional officers and inmates other than these groups that you refer to?

Mr. LEEKE. Certainly I think inservice training is about one of the main ways to insist that their role be more clearly delineated if they do not recognize that they are probably the most, the best potential for a change element is the officer in the institution. I think only through training and advising him that he is to communicate with inmates, not to go overboard, and, of course, be the good boy all the time but to openly communicate with the inmate.

Mr. WINN. Well, human nature would be that the guy that does communicate and laughs with them and jokes with them and everything would probably be considered a good guy and maybe a little more lax and maybe command a little more respect because he might call them "Mister."

By the way, we have had some pretty good discussions on this routine, whether we ought to call the inmates "Mister." What is your opinion of that?

Mr. LEEKE. In my correspondence I address individuals as "Mister" in some letters I send to them. If I know them I will personally address them by first name. I think it is a matter of whether you know the person individually or not.

Mr. WINN. I am talking about guards where they know that an inmate's name is Joey or Pete, whatever it might be, because all the inmates may refer to them that way. Do you think the guards should be required to say "Mr. Jones"? Do you think that would help the situation a lot?

Mr. LEEKE. I really don't know. I think if an officer knows Joe Smith, he could say "Joe." If he doesn't know him personally, he could say "Mr. Smith," if he desired. I think it depends on the individual's relationship with him. I don't see anything wrong with saying "Mister" to an inmate.

Mr. WINN. I don't believe anybody could say there is anything wrong with it but there have been indications that some people think this is going to make all of the inmates feel more individual and that it should be a requirement for anyone on the staff and correctional officers and those teachers that are training them, that they should be required to refer to them as "Mister." I just wondered what your opinion was.

Mr. LEEKE. Some of our officers do call them "Mister." There are others that have established a different type of rapport and they call them "Joe" or "Jack" or "Jim" and I think it is a matter of individual judgment.

Mr. WINN. You don't think there should be any kind of requirement made, then?

Mr. LEEKE. I think that would then depend on the jurisdiction. In my State I would say no, it should not necessarily be a requirement.

Mr. WINN. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. I just want to ask you a few questions, Mr. Leeke.

In the first place, from my State came testimony yesterday that in order to remove some 1,300 prisoners who had gathered out in the athletic field, and refused, it was said, to go back to their cells, they finally shot them with shotguns loaded with birdshot, at a distance of some 30 to 40 yards and that about 75 people were injured. One of them had a missile in his elbow or arm, the other one a pellet in his eye. The question was asked whether or not that was the only technique that could be developed by prison authorities to induce the inmates to go back to their cells at nighttime as they were supposed to do.

Have you had any experience with that sort of thing?

Mr. LEEKE. Yes, sir; I have.

The CHAIRMAN. What did you do?

Mr. LEEKE. I did a rather stupid thing.

The CHAIRMAN. You did what?

Mr. LEEKE. I did a rather stupid thing. Back in 1968, I had ordered 1,200 inmates in the course of a disturbance to go to the athletic field. They did as I instructed. When the only way we could get their attention was through a bull horn. I simply walked out onto

the field with 1,200 inmates and told them the riot was over and those involved would be prosecuted, those not involved would not be bum rapped, go back in and clean the place up and get back to normal activities. It worked. I wouldn't do it again.

The CHAIRMAN. Well, I don't know. Courage often commends admiration and you exhibited it there.

Mr. LEEKE. I don't think I would do it again, I should say.

The CHAIRMAN. You might do it if you thought the situation justified it. But have you had occasion to shoot at any large groups of your inmates?

Mr. LEEKE. No, sir; we haven't had occasion to do that. I hope we never have to. Realistically I don't know.

The CHAIRMAN. It is not recommended as the most modern technique of getting their compliance; is it?

Mr. LEEKE. No, sir; it is not. I might mention on the collective violence research study a portion of that is to find an exhaustive study of every new development in methods of controlling large crowds of people. To this point other than chemical agents there doesn't appear to be anything, but I think we will see the day when high intense sound or some method of mass control of people is going to develop.

The CHAIRMAN. We all hope undoubtedly that is one field in which the Federal Government can be helpful, in developing a technique for control.

You referred to the success you had with the work-release program. I believe it applied, however, only in the latter months of an inmate's term. Do you think it would be desirable if the law permitted you to begin such a program much earlier in the prison life of the inmate?

Mr. LEEKE. Yes, sir; very definitely it is desirable. The problem is society operates on a pain-pleasure principle. In effect the term "coddling" inmates has held back more progress in corrections. Society's desire to punish, which is a natural reaction, has held back considerable progress in the area of corrections.

The CHAIRMAN. We still are carrying out a system which is predicated primarily upon the concept of punishment, are we not?

Mr. LEEKE. Yes, sir.

The CHAIRMAN. And that is what you say public opinion and congressional and legislative opinion generally shares. That is a concept that they have also.

Is there any way that a line can be drawn, even a very general line, between when the punishment of an inmate should end or begin to end and emphasis upon his rehabilitation should be the primary concern of the authorities where he is confined?

Mr. LEEKE. That is a very difficult question to answer. In my mind, a crime of passion such as murder, that probably there is no need for the man, in many cases—I am talking about a crime of passion—there is no need to stay there a long number of years.

He stays there but, nevertheless, I recognize that there is no way to forgive the taking of a life. I think in that type of crime an individual certainly is punishing himself, there is no doubt about that. I am not talking about mass murder or a violent-type thing but a crime of passion.

It seems a little inconsistent to arbitrarily say after 15 years you are forgiven or released from an institution. I do not know why 5 years

will not be probably as good as 15 years. But again, it goes back to a hedonistic philosophy of pain versus pleasure and overcoming the objections of society. I believe if restitution to victims of crime could somehow be accomplished, and not necessarily through States raising the money, but rather inmates in work release and required to pay from their earnings—not so they can buy their way out if they are independently wealthy—but those earnings being applied toward reduction of sentence. At the same time an insurance cost study is ongoing that possibly we might hit on a number of areas that do not have, we will not have to confine people for so long and might possibly find a way to lower insurance rates, especially crimes against property, and this would bring about more acceptance. But because, fortunately or unfortunately, money is a big element in our society people are highly motivated by money and even though I might have my television set stolen, if you made payment back, that I received back, I probably would be more inclined to forgive you. So I think the philosophy of restitution is—

The CHAIRMAN. Let us carry that forward to the time of pre-incarceration for the inmate, the individual who has been convicted. Suppose a fellow is convicted, a boy or whoever is going to be the subject of the criminal prosecution, of stealing a television set. Now, then, instead of sending that boy or that man to prison and incurring the expense that is generally entailed in his care and custody there, if the judge thinks well of it what about giving him authority to put that boy to work under proper supervision and probation in the community in which he committed the offense or where he lives and make him report to the court his income and take a share of that income periodically to pay back the person from whom he took the television set?

Mr. LEEKE. I think it is highly desirable and I mentioned earlier possible court diversionary programs assuming adequate presentence investigations could be accomplished. I think it would be highly desirable.

The CHAIRMAN. Now, would you just give me a figure out of your experience, about how many years would you say would be the approximate number of years before anybody convicted of a serious crime, I mean armed robbery or rape or murder or any phase of homicide, should start rehabilitation. Did you say that maybe it might start at 5 years or could it start even earlier, the idea of maybe work release or whatever would be an appropriate program for that individual?

Mr. LEEKE. In our State it is not by statute but rather by administrative policy. We have five facilities that will accommodate 50 people, so that is 250 people. Administrative policy is the way we decide at what time an individual goes in. If we had more of these programs going, we would certainly reduce the amount of time that he would have to spend in a regular institution prior to going into these programs?

The CHAIRMAN. That brings up the Federal participation concept. Do you share my belief that it is highly desirable to bring about in the States, particularly, the construction of facilities in urban areas to which people might be assigned where they could be properly supervised and might participate in work-release or educational programs?

If that is going to be done on any relatively large scale the States are going to have to have outside help, Federal help, are they not?

Mr. LEEKE. Yes, sir; definitely.

The CHAIRMAN. Now, you take an institution like Attica or like Raiford in Florida, where in Raiford there are 3,000 inmates, in Attica 2,200, if we are going to break those down, the course that we would generally pursue would be to build smaller facilities in different urban areas, an area where you could get better guards perhaps, and some inmates could visit with their families, or be accessible to visits by their families.

You in the State of South Carolina have facilities for 250 in that kind of institution. Now, do you anticipate, without Federal assistance, that you are going to be able to expand that program very readily and rapidly?

Mr. LEEKE. Well, sir, I have done it to a degree with help from the Federal Government under LEAA. We had to go in and lease, in one case a former manufacturing plant, a dollar-a-year lease for 5 years; another case a TB hospital for a dollar-a-year lease and discretionary grants from LEAA for renovation of the facility. So, in effect, we have been in the real estate business trying to find a way. It's in spite of the taxpayers and citizens that we have gone ahead on our own and accomplished community-based corrections programs with assistance of LEAA.

The CHAIRMAN. In respect to programs, the Federal Government is generally recognized, because it has more money and can get the necessary personnel, as being better qualified than many of the States to draw guidelines and to experiment with programs and to offer desirable innovations in these various fields: is it not?

Mr. LEEKE. The Federal Bureau of Prisons?

The CHAIRMAN. The Federal Government.

Mr. LEEKE. Yes, sir.

The CHAIRMAN. Cannot the Federal Government therefore serve a very useful role in doing many different things? One, as you suggest, of maintaining schools for correctional authorities and helping them to develop better techniques of administration and the like. We could maintain schools to train what we call guards in the correctional system and could help you get a great deal more equipment.

Do you have adequate personnel and facilities for your education and training programs?

Mr. LEEKE. No, we do not; but we have a criminal justice training academy under construction now.

The CHAIRMAN. There is no reason why prison inmates should not share in the training programs that the Federal Government provides, manpower training, education programs, and the like. Undoubtedly, greater use could be made of the educational institutions in the various State colleges, universities, junior colleges, high schools, and all; could there not?

Mr. LEEKE. Yes, sir.

The CHAIRMAN. So there again if you are going to make any major strides forward, don't you think the Federal Government is going to have to participate on a sizable scale in giving innovative sugges-

tions and guidelines and at the same time material assistance in developing better programs by the States?

Mr. LEEKE. Yes, sir.

The CHAIRMAN. Do you think all of those should be on a matching basis?

Mr. LEEKE. Soft match or hard match? We have soft match, hard match, soft-hard match, we have so many different types of match. The match is what is giving us considerable trouble now, even in kind or soft match. You sort of match yourself out of the picture eventually.

Right now I have a member of my staff, and I do not know whether he works for me or the Federal Government with the time on various projects. The matching is a tremendous problem as far as especially the hard match.

The CHAIRMAN. We had a statement here yesterday by the superintendent of the Florida State correctional system, and he gave us the sad figures, which we have seen reflected almost everywhere we visited or heard by institutions of that character, that most of the inmates are lacking in education, most of them lacked training, a lot of them did not have jobs when they got into trouble, a good many of them were not mentally capable, some of them mentally retarded, some of them have drug-related problems, and the like. In other words, your prison population is a segment of our citizen population that is rather underprivileged; is it not?

Mr. LEEKE. Yes, sir. I have statistics on that. The largest group of our population, 42.64 percent, would fall in the category of 6 to 9 years of school. The next highest figures are those with 10th through 12th grade is 37.70 percent. 6.6 percent have had no education whatsoever. 10.69 percent have been through grades 1 through 5. Basically, the majority certainly fall way below the high school level, there is no question about that. You come up with about 80 or 90 percent.

The CHAIRMAN. It is regrettable that rehabilitation for those people has to occur in a prison and that they commit crimes. We are not in any sense of the word suggesting that poverty or any of those things justify the commission of crime, but the facts of life being what they are, it generally follows people in that education and economic segment. The Army, I do not know whether they are doing it now or not, was taking in 100,000 men a year and trying to upgrade them, give them better dental and health care than they previously had, give education opportunities to those that were in the same group as those people you are talking about. So the Army was serving a public rehabilitation purpose. The prison could be another chance in life for a lot of those people if we could provide the kind of treatment and rehabilitation that would really be helpful to them.

Mr. LEEKE. Very definitely.

The CHAIRMAN. The question arose here about whether the superintendents or the wardens of these institutions should walk out among the men. Are not your officers who deal with these people going to have to be the kind of people who can command respect and have the kind of personality that will ingratiate them into the good will of those with whom they work, generally. In other words, are we not going to have to develop the type of man to run these institutions who is not afraid

to go out among the inmates, who does command respect even if he has to require them to do their duty?

Mr. LEEKE. Yes, sir; the problem again though, is the low starting salary for correctional officers is disgraceful. I think the inmates in work release earn more in our State than our officers earn. They do not resent it but, nevertheless, it is a sad fact in my mind, that the officer is so underpaid that it is sad, very sad.

The CHAIRMAN. If we can help the schools maybe to pay their teachers more, perhaps we should help correctional authorities to get more compensation.

Mr. LEEKE. Yes, sir, in order for them to face the very difficult situation.

The CHAIRMAN. I have taken perhaps too much time. Thank you, Mr. Leeke.

(Mr. Leeke's prepared statement follows:)

PREPARED STATEMENT OF WILLIAM D. LEEKE, DIRECTOR,
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

OPENING REMARKS

Mr. Chairman and members of the Select Committee on Crime:

I deeply appreciate your continuing efforts to bring about constructive changes in corrections. Also, I would like to thank you for this opportunity to give testimony before your committee.

Your letter of November 26, 1971, outlined the subjects to be covered in your hearings. With your permission, Mr. Chairman, I will restrict my formal testimony to some of the rehabilitative programs of the South Carolina Department of Corrections.

Printed information related to some of the other subjects in which your committee is interested has been provided to each committee member. Regrettably, there was not sufficient time to prepare materials on all subjects. I will be glad to provide additional information at a later date if it would be of value to you.

OBJECTIVES OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Mr. Chairman, the South Carolina Department of Corrections is aggressively pursuing two major objectives:

1. To protect the citizens of South Carolina and the Nation from subsequent criminal acts by offenders who are placed under the jurisdiction of the South Carolina Department of Corrections; and

2. To develop the South Carolina Department of Corrections into the most effective and efficient correctional system in the United States.

There are few who question the capability of corrections to protect society from an offender during his prescribed period of incarceration. Warehousing offenders in isolated bastilles is relatively easily accomplished, but the fact that the rate of crime has increased 147 percent (FBI: "Uniform Crime Reports—1970") during the last decade and the fact that 85 percent of the crimes in this country are committed by repeaters (Advisory Commission on Intergovernmental Relations—August 1971) is irrefutable evidence that imprisonment alone is not a deterrent to crime. Instead of serving as a deterrent to crime, available evidence supports the unfortunate indictment that most of our prisons are "colleges for advanced criminal education."

The South Carolina Department of Corrections is genuinely committed to breaking the costly cycle of criminal behavior from which most offenders have been unable to escape. When this cycle is successfully broken and offenders are restored to their respective communities as productive taxpayers, the citizens in their communities are permanently protected from subsequent criminal acts and the rate of crime is reduced.

Only through comprehensive and effective programs and efficient, progressive management can corrections systems hope to bring about positive and lasting changes in the lives of offenders.

REHABILITATIVE PROGRAMS

Mr. Chairman, at this time I would like to mention a few of the more successful and innovative programs currently being operated by the South Carolina Department of Corrections. However, I do not wish to imply that the South Carolina Department of Corrections has resolved the inequities and deficiencies which exist in all prisons. South Carolina has made significant progress in recent years in spite of extremely limited resources, but much remains to be done.

Work Release

Perhaps the most effective programs being operated by the South Carolina Department of Corrections are our work-release programs. These programs operate from 50-to-60 man community prerelease centers. At present, we have five community prerelease centers located in Columbia, Greenville, Spartansburg, Charleston, and Rock Hill. A sixth center will open in Greenville in the near future, and a suitable facility for the seventh center is being sought in Florence.

Only one of our community prerelease centers is located in a new facility. The remainder are located in existing facilities—an abandoned factory, an old county chain gang camp, two abandoned tuberculosis hospitals, and an abandoned school. Three of these facilities were leased for \$1 per year from local units of government.

A work and training release program was begun in July 1971 with an LEAA grant. Due to the small number of female inmates, this program operates from the Harbison Correctional Institution for Women, our only institution for adult females.

Since 1968, less than 10 percent of those who have successfully completed work release have returned to the South Carolina Department of Corrections for parole violations or new offenses; consequently, our work release program appears to be effective as a deterrent to crime.

There is no question about the economic success of the work-release programs. Fiscal data for the period January 1968 to November 1, 1971, is clear on this:

Total earnings-----	\$2, 219, 913. 18
Taxes paid-----	326, 477. 53
Federal taxes-----	\$211, 756. 95
Social security-----	83, 680. 69
State taxes-----	31, 039. 89
Paid to South Carolina Department of Corrections for room, board, and transportation-----	560, 424. 39
Disbursed to dependents-----	338, 937. 72

Normally an incarcerated offender is a total tax liability to the taxpayer. Work-release participants in South Carolina are an economic asset rather than a liability. I will illustrate this point with an example: Estimated tax payments are based on a married person with one dependent and who earns an average weekly salary of \$98.24. Inmates at Mid-State Community Prerelease Center earned \$98.24 per week during 1970-71.

Annual salary (\$98.24 week)-----	\$5, 108. 48
Federal taxes-----	546. 00
State taxes-----	96. 98
Social security-----	265. 72
Paid to South Carolina Department of Corrections for room, board, and transportation at \$3.50 per day-----	1, 277. 50
	<u>2, 186. 20</u>
South Carolina Department of Corrections per annum cost—1970-71--	<u>1, 886. 00</u>
Net asset-----	300. 20

These figures do not reflect funds dispersed to dependents which undoubtedly removed some dependents from welfare roles.

Project transition

Project transition was initiated in June 1971 with an LEAA grant (\$300,069). This program is designed to obtain quality employment for those inmates who

cannot be accommodated by existing work-release programs. Job development-placement specialists work with employers to secure quality employment opportunities. Job coaches and volunteers work with the inmates after employment and facilitate their adjustment in the community.

Drug abuse treatment

A comprehensive drug abuse treatment and prevention program is being implemented with a 2-year grant (\$835,000) from the Office of Economic Opportunity. This program will provide 55 full-time personnel to conduct treatment programs for incarcerated drug abusers.

Education/training

The South Carolina Department of Corrections provides a comprehensive education program beginning with adult basic education for illiterates and continuing to high school. Approximately 100 inmates graduate from high school each year through the GED program.

Twenty-seven inmates from two institutions are currently enrolled as full-time college students. These courses are offered at Central Correctional Institution by the University of South Carolina. Funds are provided by the South Carolina Department of Vocational Rehabilitation; the Correctional Development Foundation, a recently chartered, nonprofit foundation; and an LEAA grant.

A variety of vocational and technical training programs are offered. Examples of these programs are: welding, brick masonry, auto mechanics, fender and body repair, barbering, heavy-equipment operation and repair, dental prosthetics, and computer technology. Funds from these programs are provided through numerous interagency agreements and Federal grants.

RESEARCH AND PLANNING

One of the major barriers to effectiveness and efficiency in corrections has been the almost total lack of research and adequate information for decisionmaking and planning. The South Carolina Department of Corrections established its research, planning, and development division in August 1969 with the employment of Dr. Hubert M. Clements, who is with me today. Today the staff of our research, planning, and development division numbers 20.

The research, planning and development division collects and computerizes inmate data, coordinates grant activities, develops plans and programs, coordinates research activities of outside individuals and agencies, conducts research projects, and prepares departmental publications.

The South Carolina Department of Corrections is presently involved in two major nationwide research projects:

1. *Court decisions research project.*—This is a study of all State supreme court, Federal district court, and U.S. Supreme Court decisions pertaining to corrections. A book entitled "Corrections and the Courts" reporting the results of this research will be published in the spring of 1972. (National Institute of Law Enforcement and Criminal Justice Grant No. NI-70-048; \$65,430).

2. *Collective violence research project.*—This 18-month, indepth study of riots in correctional institutions will seek more effective methods of preventing and controlling prison riots. (National Institute of Law Enforcement and Criminal Justice Grant No. NI-71-155G; \$88,192, which has been increased by supplemental funds of approximately \$30,000).

This research emanated from an earlier project conducted by the American Correctional Association's Committee on Riots and Disturbances, of which I am chairman. Results of the earlier projects were published in October 1970 in "Causes, Preventive Measures, and Methods of Controlling Riots and Disturbances in Correctional Institutions." This publication was copyrighted to and is being sold by the American Correctional Association.

PUBLIC SERVICE CAREERS

This project was implemented in the spring of this year and is designed to recruit and train disadvantaged persons for careers in corrections. The public service careers program is funded by the Manpower Administration (\$372,987) and has great potential for improving corrections as well as alleviating unemployment.

RECREATION

The South Carolina Department of Corrections is attempting to provide a variety of recreation programs because the constructive use of leisure time is important in civilian life. We are extremely proud of one of our present programs—boxing. While it is a relatively new program, Bobby Hunter, a young inmate from Charleston, S.C., won the U.S. flyweight championship and a bronze medal in the Pan American Games this year. Bobby has received an invitation to compete in the World Olympic trials in Russia early in 1972, but his lack of funds may prohibit his accepting this invitation.

CONCLUSION

Mr. Chairman, these are some of our more promising programs. More detailed information is included in the packets of information which was given you earlier.

In conclusion, may I again thank you for this opportunity to testify and urge your support in obtaining substantially increased and sustained Federal assistance for innovative and meaningful correctional programs.

Approximately 90 percent of our treatment, education, and research programs are federally funded on a year-to-year basis which presents many problems to both the South Carolina Department of Corrections and to personnel employed with grant funds.

Correctional systems have been neglected for so long that the States simply do not have the resources to finance the institutions, programs, and personnel necessary to enable corrections to become an effective deterrent to crime.

(The following material, excerpted from "Causes, Preventive Measures, and Methods of Controlling Riots and Disturbances in Correctional Institutions," by the American Correctional Association, October 1970, was submitted for the record by Congressman Wiggins.)

CHAPTER 3

METHODS OF CONTROLLING RIOTS AND DISTURBANCES IN CORRECTIONAL INSTITUTIONS

TYPES OF DISTURBANCES

Institutional disturbances may range from an outburst among several inmates to a major riot involving a large portion of the population. These disturbances may range from a passive "sit-down" demonstration in the yard of a correctional institution to large-scale, random, senseless destruction of life and property. Disturbances may arise from spontaneous reactions to some critical incident such as a stabbing. Also they may be organized, calculated movements of massive resistance supported and assisted by outside groups and led by intelligent inmates using revolutionary tactics. Each type of disturbance requires distinctly different control tactics. Therefore, it is essential that any master riot plan be sufficiently flexible so that each response can be tailored to the situation.

SPONTANEOUS AND MASSIVE OUTBURSTS

The more serious massive disturbances in our correctional institutions in recent years resulted from spontaneous incidents erupting in such areas as the dining room or in the recreational facilities. The catalyst in such situations could be the use of undue force when removing an inmate from one of these areas or ignoring warning signs of impending trouble. Such actions, when divorced of sound judgment and tact, could conceivably result in an "instantaneous" reaction from his sympathetic followers.

Proper evaluation of the situation is of paramount importance when dealing with such incidents. We must keep in mind that often when handling such incidents, it could be far more important to effect an orderly dispersal of the entire group, and wait for a more appropriate time to deal with individual inmate behavior. Incidents of this nature, once out of hand, tend to be contagious

and conceivably could lead to a massive insurrection involving the entire institution. Remember, a spontaneous incident could trigger an instantaneous riot. We must recognize and accept the fact that we are working with an unpredictable, unstable element prone to act without thinking. Some have little or no regard for authority, and if given any excuse will vent their feelings under the cloak of anonymity.

PREPLANNED BID FOR CONTROL AND/OR PUBLICITY

This type disturbance is likely to be more intensive and dangerous than the spontaneous one because of the elements of deliberate inmate manipulation, strategic planning and intent to prolong the disorder, which are inherent in the planned situation. A certain disunity in the plan may result from emotionally unstable inmates who inject themselves with uncoordinated enthusiasm into the tide of events. There may be an actual aim of "take-over" of the institution, though more often the objective is to obtain publicity in order to enlist outside sympathy for grievances, either real or fancied, or to pressure the administration into embarrassing concessions.

A prearranged passive demonstration takes on the politics of confrontation where the inmate leaders are hoping for an inappropriate response from the administration. In this situation either excessive harshness or impotent indecisiveness will serve the purpose of the demonstrators. In such instances, however, time is on the side of administration and the hasty use of force is ill-advised. Any repressive action affecting the uninvolved inmates may serve to strengthen the support of the demonstrators.

Planned sabotage or kidnapping of hostages is calculated to obtain publicity and/or create conditions under which other inmates can be encouraged to riot. Hostages tend to negate the power of the administration by limiting its alternatives. When a kidnapping occurs, the administration must avoid triggering further disturbances throughout the institution while attempting to protect the welfare of the hostages. No arbitrary position can be decided upon in advance. In some instances it may be imperative to secure the remainder of the inmate population for an indefinite period of time while in other circumstances it may be wisest to allow normal institutional routines to continue uninterrupted.

Confined to Institution: A full-scale riot, threatening life and property, must be suppressed as quickly as possible, and under these conditions the riot plan must provide for the full mobilization of personnel in conjunction with the availability of supporting emergency equipment: Tear gas, helmets, batons, auxiliary power systems, and weapons. Proper deployment and action by riot squads will usually succeed in splitting up the rioters into manageable groups.

Although not always readily or easily identified, somewhere in the organized disturbance there is leadership. The earlier it is identified, the sooner it can be eliminated or rendered ineffective. When and how to remove the leaders is always a crucial decision. In order to neutralize a planned disturbance, the insurgents must be known and, when deemed appropriate, removed and isolated from the general population before an opportunity to carry out their plans presents itself. This requires an alert and closely knit staff capable of evaluating information and trained to act upon sound judgment and cultivated instincts—not on impulse.

Assisted and Supported by Outside Groups: News media can conceivably contribute to general unrest and conflict within correctional institutions. Editorial opinions and reflections regarding social change can be exploited by the inmates in the hope of gaining sympathy for their cause. When this is the case, it behooves all administrators to be aware of the sociological climate and pulse of their institutions. Problems related to food, clothing, housing and treatment lend themselves to general discontent and unrest. When such conditions do exist the inmates will use community publicity, centered around social unrest and change, as a vehicle to bring their own so-called problems to the public eye. A well-informed and alert staff with bilateral communications between staff and inmates is a built-in safeguard that can be effective in prevention. Proper rapport with key news media representatives can often mitigate or negate unfavorable publicity.

Institutional Response to Community Tensions and Disorder: This has a double-edged application. First, tensions and disorders in the community can create emotional reactions when some inmates identify themselves in sympathy with the particular community, or as an excuse to agitate. Second, local institutions have a responsibility to the community in times of disaster and civil dis-

orders. The range of services available at the institution varies with its size, mission, and the nature of the disorder. A prearranged plan of action for dealing with such emergencies should be concluded between the institution administrator and local police, fire and civil defense officials. However, administrators must remember the so-called uninvolved inmate audience when community tensions are running high, and civil disorders are in process. The potential dangers of these incidents taking root in our institutions are ominous, but with effective preparation, administrators will be capable of handling these situations in such a manner that community tensions will not precipitate a major institutional disturbance.

GENERAL PREPAREDNESS

Each institution must maintain a comprehensive and objective riot control plan which is clearly understood by its staff. Segments of the plan including use of gas and other emergency equipment should be simulated during personnel training sessions.

Custodial practices such as tool control, contraband and weapon control, accepted security precautions, and housekeeping and sanitation must be maintained at effective levels. Laxity in these areas provides sources of discontent to the rebellious elements among the inmates, creates an atmosphere conducive to disturbances, and present additional hazards for the staff during suppression of riots.

A riot plan, per se, has little value unless line supervisors and staff have been trained in the mechanics of activating basic procedures at the onset. The correctional staff, from the warden down, must be sensitive to inmate grievances and discontent, and be capable of recognizing both obvious and subtle signs of situations which breed general unrest and riots.

THE RIOT PLAN

The objective of the plan should be to provide for deployment of all personnel, equipment and material resources of the institution into the problem areas as quickly and efficiently as possible. This will avoid confusion and delay which may give rioters time to organize and consolidate.

A riot control plan must be carefully developed by the staff of each institution, so that it is tailored to the unique needs and characteristics of the facility. The plan must provide administrators with sufficient flexibility of response but it must also be developed in a clear and concise style that is easily understood.

Emergency Personnel and Equipment: The mobilization of personnel should be described generally in three phases:

- (a) Mobilization of on-duty personnel.
- (b) The call-up of off-duty personnel.

(c) If deemed necessary by the warden, the mobilization of supportive personnel from law enforcement agencies and/or the National Guard.

Only trained institutional personnel should be assigned inside an institution during a disturbance, unless a situation is so totally out of control that police or National Guard must be involved. Law enforcement personnel can appropriately be used for perimeter security, gate control, or any other areas where they will not be in direct contact with the inmates or be required to have a comprehensive understanding of institutional problems. Special equipment, available only for riot use, should be in constant readiness. It should include such items as riot helmets, batons, communication equipment, shotguns, gas and gas equipment, shields, emergency keys, cutting torches, wrenches, wrecking bars, ladders, ropes and portable lights. These items should be stored in the armory, located outside the confines of the institution proper.

Instructions to All Employees: All employees should be thoroughly familiar with the riot plan and be required to review it frequently. They should be trained in the proper use of emergency equipment and be required to maintain proficiency in the use of firearms. They should clearly understand what will be expected of them in cases of emergency and what they can expect and be prepared to face.

Standing Orders: Concise standing orders must be maintained at strategic locations throughout the institutions outlining the specific functions of each unit, as it relates to the overall riot plan. It should also be clearly understood that certain sets of keys, which are routinely drawn by certain employees, will become restricted keys during such emergencies. These would include keys

to knife cabinets, central toolroom, armory, narcotic storage, and administrative offices. The riot plan, and standing orders must be treated confidentially so they are not available to the general public, or accessible to the inmate population.

Analysis of the Physical Plant: Riot planning should include a comprehensive analysis of all buildings, tunnels, attics, catwalks, emergency power supply, fire hydrants, or any other piece of equipment relative to riot prevention and control. For example, every building in which inmates could barricade themselves should be studied with the thought of executing a quick emergency entrance by the use of axes, cutting torches, wrecking bars, or by any other practical means. The riot plan should spell out automatic precautions to be taken by staff to protect critical areas, such as the powerhouse, hospitals and infirmaries, culinary service areas, and any special problem areas particularly vulnerable to arson or physical damage. Also, the additional responsibilities of tower officers should be clearly defined in regard to the protection they will provide for all inner division fences, fire hydrants, firefighting equipment, buildings, and any other equipment or facility within their line of visibility.

Floor plans or sketches of buildings should be instantly available to command personnel during such emergencies.

Keeping the Plan Updated: After developing and implementing a plan for dealing with disturbances, it is essential to followup with frequent inspections to insure that procedures and equipment are in good order. Emergency training for line staff is of utmost importance. Their proficiency in the use of equipment and overall knowledge of the plan is mandatory.

A checklist should include, but not necessarily be limited to:

- (a) Firearms and ammunition (ammo should be kept updated).
- (b) Gas supply and equipment (gas supply should be updated—old gas may be used for training purposes).
- (c) Activating emergency lighting equipment and facilities; including those available from outside agencies.
- (d) Firefighting equipment and personnel.
- (e) Shutoff valves for water, electricity, gas, heat, and ventilation.
- (f) Emergency entrances to all buildings.
- (g) Emergency keys.
- (h) General alarm system.
- (i) Availability of emergency personnel (current phone lists).
- (j) Amplifiers, public address system, communication equipment.
- (k) Supplies, especially those which can be burned or used as weapons; i.e., gasoline, poisons, ladders, torches, and so forth.

Policies of Command: The manager of each institution should have a prepared plan clearly defining the command duty officers and their alternates for each 24-day period with particular emphasis on off-duty hours.

Risk Priorities: Each administrator must develop the order of priorities which he must meet within the framework of applicable laws and policies of his department. Six basic priorities recommended by this committee are ranked as follows:

- (a) The safety of the general public.
- (b) Safety and welfare of hostages.
- (c) Prevention of death or serious injury to staff personnel.
- (d) Inmate welfare.
- (e) Protection of property.
- (f) Restoration of order.
- (g) Identification of participants, arrest, and legal prosecution.

Hostages: There has been much discussion and difference of opinion as to how much risk should be imposed upon a hostage or hostages in the process of bringing barricaded mutineers to submission. Certainly, a reckless disregard for a hostage's life would not be excused by the public or by his fellow employees. On the other hand, his very employment in a correctional institution is an acceptance of the risks that traditionally go with his job, just as is the case with the policeman or the soldier. Employees should be aware of the fact that no one retains his authority when taken hostage, regardless of his rank or position within the institution. To say that the emergency force should move in with gas and gunfire, irrespective of risk, would be foolhardy unless the risk to the public and other innocent persons was so great and so imminent as to demand it. Sound judgment and moral courage of a high order are obviously required, and no brief statement here can produce a simple solution for all cases.

Negotiations and Ringleaders: Is it proper to negotiate with mutineers? In theory, the answer is obviously "No!" Inmates, in defying the authority of the government, are in the act of committing a crime and, in addition, any agreements reached under duress would have neither legal nor moral force. This does not imply that some appropriate official should not attempt to talk to the ringleaders in an effort to regain control by a peaceful means. This course of action would be particularly germane if hostages were involved, or if the inmates have gained control of some critical point. However, should such discussions fail, the administrator should be prepared to use force in the protection of life or property. It is the bargaining and the indiscreet giving of promises which should be avoided. Demands of inmates that they be permitted to negotiate only with the Governor, or some well-known news commentator, should be bluntly refused. If the director of corrections or the head of the agency to which the institutional administrator is responsible is an experienced corrections man, he may wish to conduct the discussions himself. However, the wisdom of permitting anyone who is not well acquainted with life in the correctional institution to negotiate with mutinous inmates is seriously questioned. The advisability of a Governor entering into such a situation is probably unwise, except as a most extreme last resort. To do so inflates the rioters' egos and lends encouragement to a repetition of the same show on another stage. Conditions and practices forming a valid basis for inmate grievances should be corrected as soon as possible, even though one violently disagrees with the methods taken by the rioters to bring them to official attention. Many of these conditions cannot be corrected, of course, until the institution has been returned to normal.

Public Relations: Except for occasional efforts at mass escape, ringleaders of correctional riots usually direct their efforts toward getting publicity which will embarrass the administration. At the same time, riots in correctional institutions are major news events. Understandably, correctional administrators are often apprehensive of the manner in which the news media will treat these occurrences. A correctional institution, as a public institution, is obligated to keep the news media informed with respect to newsworthy events so long as this information is not harmful to the security of the institution or to the efforts to regain control.

The news media should be informed as soon as it is apparent that a riot or a major disturbance is taking place. Relations with the news media should be carried on by the institutional administrator or his designated representative.

The public itself should be kept out of the security area of the institution and, if possible, away from its immediate environs as long as there is active rioting taking place. This should be done in the interest of public protection and also in the interest of preventing the rioters from taking advantage of the "Roman Holiday" atmosphere created by an excited public audience.

If the disturbance continues for a number of hours, it is common for representatives of the news media to wish to come to the institution and to be permitted to talk to inmates. Representatives of the news media should not be allowed to talk to or photograph any inmates while they are resisting authority, or within the riot area. To do so is usually an irritant to the situation and an interference with the management's orderly discharge of its duties. When the riot is over and the institution is again under control, there should be no objection to the news media being admitted. It is unwise to use inmates' names in connection with riot publicity, or to allow them to be publicized by personal photographs, television, or news film. Such publicity could stimulate psychopathic personalities to repeat the performance elsewhere.

Good relations with the news media should be a normal objective of any good institutional administration. Mutual confidence and understanding between the local representatives of the news media and the administrator and his staff, as a continuing condition, are the best insurance against bad press relations during a time of crisis.

Criminal Prosecution: Rioting inmates usually violate a number of criminal statutes. With this in mind, institutional management should be gathering facts, preserving evidence, taking photographs and making reports that will be useful to the prosecutor. The prosecutor, within whose jurisdiction the institution is located, should be brought into the institution early enough to avoid prejudicing his prosecution. This policy of prosecution should be well known to the inmate

body, and repeated whenever the proper opportunity arises during a disturbance. No bargains should be made or offered by the administration to the effect that the rioters will not be prosecuted for their offenses.

THE PLAN OF ACTION

a. The Alarm: Immediate communications by staff members observing a disturbance should be made to the supervisor of the watch, who will activate the first steps of the plan on the basis of standing orders. Caution should be exercised to avoid involving inmates in other areas who are not implicated. Immediately thereafter, the institutional administrator and other staff members should be notified, if possible.

b. Mobilization of Resources: From this point on, the plan should proceed under the command of the highest ranking officer on the premises. The disturbance should be confined to the smallest possible area at the earliest time. Precautions should be taken in the rest of the institution to avoid spread of the disorder. If necessary, as many inmates as possible should be locked in their cells until the situation can be evaluated and brought under control.

Normal operations should be resumed in areas other than the affected ones as soon as possible, for sudden unjustified custodial restrictions may cause a spread of tension rather than lessening it. This is a delicate matter for sound judgment by the administrator and his top staff in deciding on the lesser of the two risks.

c. Establishing Control: The objective of the action is to gain first, limited, and then full control.

Often it is possible for the emergency staff to determine who the ringleaders are. They should immediately be taken from the scene and locked into cells as far apart as possible. If it is not possible to determine the leaders of the riot, inmates should be given the opportunity to leave the scene. This will generally result in departure of those who want no part in the trouble. When an emergency alarm is sounded all available staff should not rush to the scene. A reserve force should remain away from the scene to take action after the situation has been observed and evaluated. Staff who rush unguarded, unwarned, and unprepared into a spontaneous or planned group disorder are frequently overpowered and injured.

Control is established for emergency reasons when hostages, if any, are released, rioters disarmed, and all inmates accounted for and locked up securely under adequate guard. Under favorable conditions this may be done in a very few hours; under the worst situation, control may not be achieved for days.

d. Returning to normal: Nervous tensions of both inmates and personnel will be in a delicate state for some time after a major disturbance. It is obvious that the sooner a relatively normal atmosphere can be restored, the better. In some jurisdictions, an ad hoc inmate committee selected by and meeting with administrative personnel has proved useful in alleviating post-disorder tensions and restoring normalcy. The committee should not be allowed to develop a power-base or to engage in bargaining. The function of the committee is restricted to facilitating understanding and communication.

A detailed evaluation of the situation is made by interrogation of inmates and staff participants and a thorough inspection of facilities to determine extent of damages. If possible, have a photographic record made of the damage before making immediate repairs.

Additional custodial supervision should be provided in all quarters and the dining room until the disorder is completely subdued. Rearrange the dining room schedule to provide for supervision of small groups of inmates during meals, or feed them in their cells.

If the disturbance is general, or threatens to become general, caution should be the watchword. Most of the work and other programs may be suspended for a brief time. Isolation of the actual ringleaders and segregation of others on grounds of circumstantial suspicion will remove the focal points of agitation from the rest of the inmate group and lower the emotional temperature. Just as soon as it seems safe to do so, the cautious return to work and other programs can then begin with the objective of restoring the whole institution to normal. As a last word, principles of good management dictate that an objective critique be held for the staff after full control has been restored.

APPENDIX III

SAMPLE RIOT AND DISORDER PLAN

In any riot-and-disturbance plan, a concerted effort should be made to set up a cooperative plan to include local, county, and State police. Models of this plan already in use in other States provide for the following:

1. All police units are contacted to meet at a joint conference or several conferences to outline each unit's duties in the case of escape, disturbance, or riot in the correctional institution in their jurisdiction.

2. All police units are asked to familiarize their individual members with the physical layout of the correctional institution in case they are called for assistance to that institution. Individual members are asked to tour the institution in civilian clothes as part of their readiness for any action. They may be asked to participate in an emergency.

3. The riot-control plan should be shared with local and State police so that they know what part they play in any coordinated plan enforced to quell a riot or disturbance in or about the correctional institution.

4. Escape posts or security posts in concentric circles around the institutional location should be clearly understood by all participating law enforcement units so that complete coverage is available as soon as possible after notification from the institution.

5. It must be clearly understood by all agencies cooperating with corrections that the correctional administrator is in command at all times in matters affecting the correctional facility.

6. Fire departments in surrounding communities to the correctional facility should also be consulted and encouraged to tour the facility, inspect its fire-fighting equipment, and familiarize themselves with any obstacles to fast response in case of a fire.

7. Civil defense units should also be contacted for any expertise and cooperation they may lend to a riot-and-disturbance plan. In particular, equipment like auxiliary lighting and power units should be located, listed, and kept current in case of a "blackout" in the correctional facility or any other type of power failure.

8. Consideration should be given to having more than one source of power for the facility until emergency lighting, particularly in the housing areas, is available for immediate use when normal power fails.

9. Sufficient personnel on all shifts should have firsthand knowledge of the locations of fire equipment, power-pac lights, flashlights, batteries, et cetera, so that no time is lost in an emergency in providing immediate protection to life and property.

The following sample riot and disorder plan is a composite of several plans which cannot be applied to a specific institution. It includes the basic elements of riot and disorder plan, and it may be useful in developing or revising the plan for a specific institution.

SAMPLE RIOT AND DISORDER PLAN

Introduction

Every correctional institution is a potential site for riots and disorders. It is necessary, therefore, to have a well planned and systematic procedure to ensure safety, protection, and control.

A. The plan.—The sample riot and disorder plan included in this section is simply a guide to follow in developing a plan. It cannot be used effectively as a riot plan as it is. Each section must be developed in detail for each specific institution.

B. Training.—Each employee must be instructed as to his or her responsibilities, regardless of how small they may be. Every employee assigned to use weapons and/or equipment must be well trained in its use.

C. Execution of the plan.—At the sound of the alarm, the plan must be executed as soon as possible. Every minute is valuable. By the time a riotous condition is reported, the alarm sounded, personnel draw equipment, and man their post, the riot will be well on its way. A small group of riotous inmates can develop into a mob in a matter of a few minutes.

Those who have experienced riots know the importance of a well organized plan, well trained personnel and timing. The importance of a well executed plan cannot be over emphasized.

SAMPLE RIOT AND DISORDER PLAN

Introduction

- A. The plan;
- B. Training; and
- C. Execution of the plan

*I. Purpose**II. Policy*

- A. Defining a riot or disorder;
- B. Force;
- C. Bargaining with inmates;
- D. News media;
- E. Review;
- F. Hostages;
- G. Emergency signal; and
- H. Identification of participants.

III. Procedures and responsibilities

- A. Vulnerable areas;
- B. Safety areas and evacuation routes;
- C. Command post;
- D. Security personnel;
- E. Civilian personnel;
- F. Escape routes;
- G. Top of buildings and walls;
- H. Perimeter security;
- I. Central communication section;
- J. Arsenal;
- K. News media;
- L. First aid station;
- M. Maintenance;
- N. Logistics;
- O. Vehicle and traffic control;
- P. Holidays and weekends;
- Q. State riot laws;
- R. Camera;
- S. Fire plan;
- T. Emergency equipment; and
- U. Reserve emergency squad.

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Every correctional institution is a potential site for riots and disorders. It is necessary, therefore, to have a well planned and systematic procedure to insure safety, protection, and control.

A. The plan.—The sample riot and disorder plan included in this section is simply a guide to follow in developing a plan. It *cannot* be used effectively as a riot plan as it is. Each section must be developed in detail for each specific institution.

B. Training.—Each employee *must* be instructed as to his or her responsibilities, regardless of how small they may be. *Every* employee assigned to use weapons and/or equipment *must* be well trained in its use.

C. Execution of the plan.—At the sound of the alarm, the plan must be executed as soon as possible. Every minute is valuable. By the time a riotous condition is reported, the alarm sounded, personnel draw equipment, and man their post, the riot will be well on its way. A small group of riotous inmates can develop into a mob in a matter of a few minutes.

Those who have experienced riots know the importance of a well-organized plan, well-trained personnel and timing. The importance of a well-executed plan cannot be overemphasized.

SAMPLE RIOT AND DISORDER PLAN

I. Purpose

The purpose of this riot and disorder plan is to establish policies, procedures, and areas of responsibility in the event of a riotous situation at _____ Institution. This plan will be executed in the most expedient manner possible realizing at all times that priorities will be given in the following order:

- First: The general public safety.
- Second: The safety of all hostages.
- Third: Safety of all other personnel.
- Fourth: Inmate welfare and safety.
- Fifth: Protection of property.
- Sixth: To restore order and control.
- Seventh: Identification, arrest, and legal prosecution.

II. Policy

(The policy of your department in regard to:)

- A. Defining a riot or disorder:

Example: A riotous situation may be declared in the event of a group of inmates assaulting any constituted official, destroying State property, banding

together to resist authority, refusing to return to cells or wards, or any overt act which would be detrimental to the orderly routine of the institution.

B. Force: In the event of any disorder or riotous condition, only that *minimum* force which is deemed necessary to restore order will be employed. The conditions for use of firepower and physical force should be determined by your department and entered here in detail. The type weapons to be used and the circumstances under which they are to be used must be explicit.

Example:

First: An attempt may be made by the administrator to reason with the disorderly group.

Second: A proclamation issued.

Third: A show of force.

Fourth: Use of chemical agents (gas).

Fifth: Use of force by formation (Reserve emergency squad).

Sixth: Use of firepower—As a last resort only. In case of:

1. Arson.

2. Escape.

3. Assault with danger of bodily harm.

C. Bargaining with inmates:

Example: No bargaining or concession will be made to any inmate or inmates who are in a state of revolt.

D. News Media:

Example: No employee will offer any information to the news media without the authority of _____.

E. Review:

Example: The riot and disorder plan will be evaluated and updated at least _____ annually. (Example: twice.)

F. Hostages:

(No single statement can be given as a policy in this case. Each department must form its own policy and plan of action.)

Example: Dealing with inmate leaders, with reference to hostages, should be handled by the administrator of the institution or other designated officials. Although giving of promises must be avoided, every effort must be made to secure the hostages. Any agreements reached under these conditions would have neither legal nor moral force.

G. Emergency signal:

Example: The emergency signal for _____ institution will be _____. The order to sound the emergency signal should be given by designated persons only (administrator or his designate). Immediately upon hearing this signal, all personnel will evacuate their area and report to their post, as designated in the plan.

H. Identification of participants:

Example: Any and all employees who can identify any inmate participant will report to _____ and make a written report as soon as possible. This must be done immediately because any delay will cause one to forget the names of individual inmates. If possible, it is advisable to have three or four secretaries report to this area to take these statements. It is advisable to have someone with a legal background to assist with these statements, as they will probably be used in court. In most cases it is advisable to have a member of the local prosecuting attorney's staff on hand.

III. Procedures and responsibilities:

The following sections are designed to prescribe specific procedures and responsibilities for strategic personnel and activities within the institution. It is imperative that every individual concerned become familiar with his duties and remain prepared to execute them without hesitation. A prescribed order of succession should be firmly and clearly established in the event the administrator and his assistants are taken hostage or become incapacitated.

A. Vulnerable areas:

Purpose: The purpose of this section is to prescribe specific procedures for handling disorders in the areas of your institution which are most vulnerable to riot and disturbance. (List all vulnerable areas and instructions for isolating the disorder in each area. Examples: mess hall, yard, buildings, industry, etc.)

B. Safety areas and evacuation routes:

Purpose: Safety areas and evaluation routes are designated to provide every employee and those inmates not involved in the disorder with maximum safety as soon as possible.

1. (List all areas of your institution which can be secured from the inside. Personnel may not be able to get out of the institution because the main exit is blocked by the disturbance itself. Examples: Cell blocks, hospitals, etc.)

2. (List all areas of your institution in which personnel are located, and instructions as to the quickest and safest exit out or to a safety area.

Example:

a. *Industry building*—use north exit next to post No. 3 and leave through the back gate.

b. *Tunnel*—go to the nearest safety area or exit through front entrance.

c. *Hospital*—Secure.

Every area of your institution *must* be included in this section.

C. Command post:

Purpose: The command post acts as a "nerve center" for the entire operation of the riot and disorder plan.

Procedural example: All incidental assignments and placements of personnel will be made from this office. All request for personnel will be made to this office. All units will keep this office informed of riotous activity in their area by telephone or walkie talkie. This office is responsible for keeping a record by name of all personnel that get out of the institution, and those who are unable to do so.

Leader_____

Alternate_____

Location_____ Office_____

Personnel_____

Two Secretaries_____

Two Runners_____

Equipment:

1 Walkie talkie

1 Map of Institution

2 Telephones, Nos. _____ and _____

D. Security personnel:

Purpose: All security personnel will be utilized in effecting the riot plan.

Procedural example: All security personnel will report to this area on a standby basis. Mr. _____ will assign per order from command post.

Leader_____

Alternate_____

Location_____

Phone No. _____

Personnel: All security personnel not otherwise designated.

Equipment: To be issued as needed.

E. Civilian personnel:

Purpose: All civilian employees will be utilized as needed to aid in carrying out the riot plan.

Procedural example: All posts manned by civilian personnel that can be predetermined should be listed by post and name. Any other assignments will come from command post.

Leader_____

Alternate_____

Location_____

Phone No. _____

Personnel: All civilian employees.

Equipment: To be issued as needed.

F. Escape routes:

Purpose: All possible escape routes must be manned *immediately*. Mass escape is very likely during such a disturbance.

Procedural example: Predetermined personnel will equip themselves and report to these areas immediately.

Location	Personnel	Equipment
Vehicle gate	_____	_____
Maintenance tunnel	_____	_____
Main entrance	_____	_____

G. Top of buildings and walls:

Purpose: The top of the institution (buildings and walls) are vulnerable areas and must be covered by armed personnel for observation purposes and prevention of escape.

Procedural example: The man in charge of this area should be equipped with a walkie-talkie and bullhorn. The responsibility of this team is to prevent escape and report to command post any riotous activity.

Leader_____	_____	_____
Alternate_____	_____	_____
Location_____	Personnel_____	Equipment_____

H. Perimeter Security:

Purpose: Armed personnel should be posted around the perimeter of the institution to prevent possible escape and gathering of unauthorized civilian.

Procedural example: This group should be armed and posted outside the fence or wall. Each man's name and post should be indicated.

Leader_____	_____
Alternate_____	_____
Location_____	_____
Phone No._____	_____
Personnel_____	_____
Equipment_____	_____

I. Central Communication Section:

Purpose: All two-way radio communication and request for outside support will be handled by this section.

Procedural example:

- a. Notify all off-duty personnel, command personnel and Governor's Office.
- b. Activate employee roster as to who is called and who reports.
- c. Notify support forces if ordered to by command post.

1. Highway patrol:	Phone No._____
2. City police:	Phone No._____
3. County police:	Phone No._____
4. Fire department:	Phone No._____
5. Ambulance service:	Phone No._____
6. Civil defense:	Phone No._____
7. National Guard:	Phone No._____
8. _____:	Phone No._____

Leader_____	_____
Alternate_____	_____
Location_____	_____
Phone No._____	_____
Personnel_____	_____
Equipment_____	_____

J. Arsenal:

Purpose: The care and issuing of all firearms and emergency equipment will be handled by the arsenal.

Procedural example: During a riot or disturbance, the armory is a very important and busy area.

- a. All personnel assigned to this area should arm themselves with side arms.
- b. All personnel authorized to draw weapons and equipment should be listed by name and equipment to be issued.
- c. A speedy checkout system should be used to account for equipment.
- d. Any group (i. e. riot squad) may have its equipment stored in a locker and be issued as such. This will save time and confusion which will be helpful.
- e. If you use riot shotguns with bayonets, be such your procedures for issuing these weapons contain every safety precaution.

Leader_____	_____
Alternate_____	_____
Location_____	_____
Phone No._____	_____
Personnel_____	_____
Equipment_____	_____ as listed

K. News media :

Purpose: The news media is to inform the public of any major riot or disturbance should be kept out of the immediate area as long as there is active rioting taking place. A place should be designated, to which all news media will be directed to await a statement from some authorized person.

Procedural example: The press should be informed as soon as a major disturbance takes place. However, the representatives of the press and news media should be kept out of the immediate area as long as there is active rioting taking place. A place should be designated, to which all news media will be directed to await a statement from some authorized person.

Leader _____
 Alternate _____
 Location _____

L. First aid station :

Purpose: To provide emergency medical service when needed.

Procedural example: If your present medical facilities are located within the institution, you cannot depend upon its use during a major disturbance. A first aid station should be manned outside the riot area by qualified personnel. Ambulance service personnel should stand by at this location. Detailed procedures should be set up by your medical staff (that is equipment, necessary personnel, etc. . . .).

Leader _____ M.D.
 Alternate _____ M.D.
 Location _____
 Personnel _____
 Equipment _____

M. Maintenance :

Purpose: To control the water supply, steam, natural gas, and electrical power to prevent damage and waste. Also to make any emergency repairs needed.

Procedural example: This team is responsible for knowing the location of all valves and controls for water supply, steam, natural gas, and electrical power. They must close valves when necessary to prevent damage and loss of power. The emergency lighting and power source should be checked and maintained by this team. Any emergency repairs will be handled by this team.

Leader _____
 Alternate _____
 Location _____
 Personnel _____
 Equipment _____

N. Logistics (Food, bedding, and clothes) :

Purpose: To provide an emergency supply of mattresses, bedding, clothes, and food if needed.

Procedural example: In a riotous situation, mattresses, bedding, and clothes may be easily destroyed by fire. This team must secure emergency supplies to temporarily replace those destroyed. If steam lines or natural gas lines are destroyed, food preparation will be impossible until repairs can be made. Food may have to be prepared elsewhere and transported to the institution. Such an operation is the responsibility of the logistics team. Plans to provide temporary housing should be established by this team.

Leader _____
 Alternate _____
 Location _____
 Personnel _____
 Equipment _____

O. Vehicle and traffic control:

Purpose: To provide adequate control of traffic in the immediate area of the institution. Also to provide adequate parking areas to additional vehicles when necessary.

Procedural example: During a riotous situation, vehicle traffic at the institution will be greatly increased. Designate areas for fire equipment, ambulances, news media, and supportive squad transportation. Provide a plan to keep public

traffic (curiosity seekers) moving or rerouted. The traffic division of your State or local police department may be of valuable help in this area.

Leader _____
 Alternate _____
 Location _____
 Personnel _____
 Equipment _____

P. Holidays and weekends:

Purpose: During holidays and weekends the normal riot and disorder plan may not be immediately effective because of a minimum security force on duty. (If this is your case, have detailed instructions to be followed until additional help can be called and obtained.)

Q. State riot laws:

Purpose: To familiarize all employees with the State laws concerning riots and disorders. List all laws of your State concerned with riots and disorders.

R. Camera:

Purpose: This will benefit your department in three major areas:

- Evidence for court.
- Identification of participants (using zoom lens).
- Most inmates will not participate if they see a camera taking pictures.

Procedural example: If at all possible, have a qualified cameraman equipped with motion picture equipment (recommend 16 mm.) to make films of rioting inmates and condition of institution afterwards.

Leader _____
 Alternate _____
 Location: Reports to _____
 Equipment _____

S. Fire plan:

Purpose: To provide a systematic procedure to combat fire if needed.

Procedural example: If possible your city fire department can handle this area for you. However, any fire equipment and personnel dispatched into the riot area, must be escorted by equipped security personnel. An unprotected fire engine may be used as an escape vehicle.

If you must use your inmate or employee fire unit, your plans must be more detailed and specific.

Leader _____
 Alternate _____
 Location _____
 Personnel _____ (city fire department)
 Equipment _____ (city fire department)

T. Emergency equipment:

Purpose: To provide all necessary personnel with adequate equipment needed to restore order with a minimum use of force.

Procedural example: The care and condition of your emergency equipment is extremely important. An officer with faulty equipment may result in an injured or dead officer. Your equipment must be ready for use at any and all times. A regular equipment inspection should be conducted at least monthly and a written report made of each check. This check should include what you are checking for and why.

- Firearms and ammunition.
- Gas supply and equipment.
- Activating emergency lighting equipment and facilities.
- Firefighting personnel and equipment.
- Shut on valves and switches for water, electricity, gas, heat, and ventilation. The source of electricity should be checked to insure that the two primary backups do not originate at the same source.
- Emergency entrances to all buildings.
- Availability of emergency personnel.
- General alarm system.
- Emergency keys.

j. Supplies, especially those which can be burned or used as weapons such as gasoline, poisons, cutting torches, ladders, and similar tools.

k. Amplifiers and public address systems.

Location _____
 Personnel _____
 Equipment _____

Equipment available from other agencies should also be checked regularly to insure that it is in proper working order.

U. Reserve Emergency Squad:

Purpose: Specially selected and trained personnel are needed for quick decisive handling of major emergencies where physical force, firepower, or special capabilities are required.

Procedural example: Each institution with as many as 100 inmates should have an active reserve emergency squad. This squad must be well organized and the members carefully picked. Members of your squad must be mature and in full control of their actions. You must have men who will not "run" at the face of a rioting group of inmates or fire a weapon without being ordered to do so. Any person using emergency equipment *must* be specially trained in its use.

The squad should be used only upon order of the warden of the institution or his designee.

Squad Leader _____
 Alternate (Assistant Squad Leader) _____
 Location _____
 Personnel _____
 Equipment _____

For more detailed information refer to *Civil Disturbances and Disasters* (FM 19-15), a standard reference source prepared by the U.S. Army.

The CHAIRMAN. Our next witness is Mr. George F. McGrath, commissioner of corrections for the city of New York, who has had a very distinguished background and career. He is an attorney with over 30 years of experience in the fields of corrections and criminal law. His experience has been as an administrator of city and State correctional programs, commissioner of corrections, Commonwealth of Massachusetts, 1959-65; as a researcher in crime and delinquency, Harvard Law School 1940-59; as a professor of criminal law and assistant law school dean, Boston College Law School; as a prosecutor, assistant district attorney, Boston, 1965-66; and as a practicing attorney, prison caseworker, and an officer and board member of several private agencies and organizations of local and national jurisdiction.

There is much more that could be said about Mr. McGrath but we are anxious to hear him.

You have previously been before this committee; we are very glad to have you today; we welcome any preliminary statement by you including any comment upon the questions that you have heard asked by the members of the committee. You may proceed.

STATEMENT OF GEORGE F. McGRATH, COMMISSIONER OF CORRECTIONS, NEW YORK CITY

Mr. McGRATH. Thank you.

The CHAIRMAN. Do you have a written statement?

Mr. McGRATH. I do not, Mr. Chairman; I have an outline.

The CHAIRMAN. When does your resignation take effect?

Mr. McGRATH. It takes effect January 1. I am staying on as a consultant to Mayor Lindsay for several months thereafter.

The CHAIRMAN. The city of New York is very fortunate that you agree to stay on and help them.

Mr. McGRATH. Thank you.

It might help for me to give you a statement about some experiences we have had for purposes of background and for questions that you may have later on, particularly in the area of riots and disturbances.

In Massachusetts we were involved in two hostage-taking disturbances back in 1959 within 6 weeks of my assumption of office. I do not think they were related to the fact that I became commissioner when we had two major disturbances, but they happened within the first 6 weeks and they were of major consequence in two different institutions.

Last year you perhaps will recall that we had a series of very serious riots including the taking of hostages in New York City starting with a riot and including taking of hostages in the Tombs in August of 1970, and in that connection, Mr. Chairman, a member of your committee, Congressman Rangel, played a very prominent part with me and the others in the department in bringing that situation to a conclusion.

The CHAIRMAN. We are pleased to hear that. Mr. Rangel is away today having to attend a funeral of a very dear friend. He has asked me to express his regrets he could not be here.

Mr. McGRATH. He was an assemblyman at that time in the State of New York and he worked with me on the tiers on the floors in the prison to bring that to a successful conclusion.

Again, in October of last year we had riots in five different institutions over a period of 5 days with hostages being taken in four of the five institutions, a total of 32 hostages. And in a sense, Mr. Chairman, that 5 days really represented almost a total range of kinds of riots, of techniques to be used, of variation in ingredients of all of the riots that we are hearing these days throughout the country. There were varying situations in each of those institutions. Each of them was handled separately and we did develop a great deal of experience and knowledge as the result of the unfortunate very serious 5 days.

In connection with the October riots, Congressman Badillo and Congresswoman Chisholm played very prominent roles in one of the institutions, one of the five, and they gave us great assistance in bringing about a solution to those problems.

I might say, Mr. Chairman, that in the August and in the five instances in the October riots we did bring them to a conclusion without any loss of life on the part of employees or inmates and without any serious injuries and without the use of police forces, without any lethal weapons being used. We managed the entire operations with our own personnel and we feel very fortunate that we had the outcome that we did in terms of at least suppressing the riots and doing so without any deaths or any serious injuries. We can go into a discussion of what procedures were used in each of these and they varied. One, for example, where we had three hostages taken on Riker's Island in the Adolescent Remand Shelter in the middle of the riots in other places. I was called on a Sunday morning, just having come back from another institution that we had taken over, and was told that inmates in one of the cellblocks had taken three officers as hostages, and on the

basis of discussion on the phone, the fact they were not well organized, that the leadership was diffuse, the plans obviously were not well laid, we agreed to go right in with nightsticks and gas, if necessary, and in 20 minutes we had the hostages back without any problem and no negotiations, no discussions.

At the same extreme, in our Branch Queens Institution, it took us 5 days. In Brooklyn we had to take over by force to extract the hostages from the hands of the self-proclaimed "executioners," the same type of operation as in Attica. But with knives at their throats and hands tied behind their back we had to move in and literally, physically, take them over with the use of gas. So there was a great variety of approaches used including involvement of the press and including involvement of the chief executive, people in political life, of citizen involvement, of techniques of coming in and so on.

So we did have a very varied experience that I think taught us a good many lessons about the prevention and the control of these riots.

I think so long as there have been prisons there have been prison riots and as long as there are prisons, there will be prison riots. So long as we subject people to deprivation of liberty against their will they will rebel and we can expect this as a rather natural normal thing from time to time, but I think it is very clear that recent riots have taken on certain other colorations that make them phenomena that differ from our long experience of keeping people under control. They have a unique aspect and because of this I think it is very dangerous to try to be simplistic about their causes, to ascribe one reason, or two reasons, or three reasons to all riots.

There is a great variety of things that enter into these situations. For example, we talk about the involvement of radicals, of the people with radical political views, revolutionaries, and what role they play. It is clear that they do play a role and this is a new phenomena in my time. The two riots I spoke of in Massachusetts were kind of the old-fashioned type. They used to riot in order to get out, to escape; they do not riot to escape any more, they riot for very different reasons and it is very clear the radical involvement is a very serious new component in this nationwide problem we are facing. But now just in our own New York City experience of last year in the Tombs, in August, that was clearly led by openly radical revolutionary people. Make no bones about it. The rhetoric was there and the type of negotiation was clearly designed to embarrass the administration, to tear down the system, not to solve grievances. The people who run this were outright revolutionaries and that was a clear case of radical control and radical stimulation of riots.

Again, in Branch Queens the first of the riots in October that later spread to the other four places, that was run by radicals, by Black Panthers who were awaiting trial, and by a member of the Young Lords, a violent revolutionary Puerto Rican group in New York. They were leading this. They designed the riot, they led it, and they conducted the negotiations in the way that best served their purposes—getting publicity, glorifying their cause, and trying to run down our whole way of life and our system of Government and our judicial system. So that was clearly a radically led, radically motivated movement, but now in the other three, there were no political radicals in-

volved in the leadership and they did have leadership. They had grievances and they did great damage and took hostages, but the question of politics or revolution was minimal if it existed at all. So just in that one 5-day period we can see that there is radical involvement. But that is not the total answer to the question at all.

And another area, in addition to the radicals these days, that is rather unique, involves complaints and grievances concerning human and civil rights. Along with this movement in the general community we have this movement within the prisons. The greater concern about the liberty of the individual, the desire, the great eagerness to have total unfettered freedom that has all come into our prisons; the culture consciousness which offers certain minority groups who are trying to attain the kind of dignity they are entitled to but have not been receiving over the past generations. This rising feeling about the worth of the individual, particularly the worth of a deprived person, of somebody in a minority group, this has led to a feeling of resentment against restrictions within our prisons and I think it is a major factor in a lot of the unrest we are having, and then, of course, clearly the conditions of confinement are involved in these disturbances, because all of us know that many of our prisons do not provide basic decent human conditions, never mind positive training programs. So we have structures, as Bill Leeke said earlier, out of the last century.

Some of our most newest prisons are really designed on the old punitive philosophy of maximum security, a prison is a prison and all you do is keep repeating what you used to have. All of them are maximum security, when obviously you do not need them and should not have them because they have an unnecessarily destructive effect upon the sensitivities of people locked up. So we have inherited these structures that are improperly designed for our purposes. We have a lack of meaningful programs. We have a lack of training of personnel and particularly these days an inadequate training of personnel in terms of understanding the culture of people who are not of their own, to understand the unique problems of ghetto people; for example, when most of our employees are from a perhaps middle-class, lower middle-class white structure, but just the ability to understand the problems of the ghetto person, and this, of course, comes back to proper kind of training for personnel.

We are the inheritors of a terrible problem of overcrowding, particularly in detention these days where our judicial system seems to be unable to keep up with the rising crime rate, the rising rates of arrests, and the new innovative pretrial hearings that are granted to defendants and so on, with a net result that our backup of detention cases in the large cities is almost frightening, Mr. Chairman, and I think that is an area that may be out of the purview of your committee, but something needs to be done to assist local and State courts and the whole judicial process to speed up the trial of cases.

We have, for example, today in New York City a total of 14,214 prisoners. We receive over 200,000 prisoners in the course of a year, unquestionably the largest system in the country if not the world in terms of processing alleged offenders. We have of this number around 2,500 in upstate institutions, transferred under agreement with the State, who are under sentence. The remaining, nearly 12,000, in our institutions in the city, of that 12,000, 7,500 are awaiting trial. So it

is an enormous number of people who wait months and months to have their cases disposed of and we end up with 138 percent occupancy, which is almost twice what we should have. So we have a very serious problem of overcrowding and this, of course, adds tremendously to the problem of unrest, of grievances, of inadequate services, and legitimate services that can lead and have led to riots in the past.

These are the things, radicalization and civil rights involvement and actual conditions of our places of confinement where we put people awaiting trial and under sentence.

So with that in mind, the key to solving unrest these days in riots is the word flexibility, and I know to some people this sounds like indecision, a weakness, or an inability to make up one's mind about a policy, but that certainly is not so. It is a strong word, "flexibility," an absolutely necessary concept involving many, many subcategories, but you know when to move in, what kind of discussions to make, who should be involved in discussions, what is the role of the chief executive, how do you treat the press, when it starts during the course of it and afterward, what preparation should you make for problems that arise after you take over a riot-torn prison.

We are beginning to see that when a riot is suppressed that does not end the problem. In many ways, to the administrator, that is when his problems really begin, immediately after a suppression of a riot. So there are many, many things, ingredients, that have to be considered in the decisions that have to be made to keep our prisons operating in a proper way during these times.

But I would like to stress one basic grievance that I think covers a tremendous amount of territory if we are talking about preventing riots, not just good food, not just frequent visits, not the physical comforts. The rights of prisoners is the major problem today, keeping in mind the radical lawyers, the extreme liberal press, and the radicals on the inside and this growing feeling of individual worth on the part of people, whether they are convicted of crime or not.

If your committee could somehow open up for discussion over a course of time to see if we cannot arrive at a consensus on just this major question—and it is solvable. It is a question of what should our philosophy be in running correctional programs. What is the public feeling about this? How do their representatives in Congress and other legislative halls and in the executive branch feel about this? What should our philosophy be?

There is this confusion and great controversy over prisoners' rights. You know there is a great movement. It seems every other civil liberty lawyer today is drafting his own version of a prisoner's rights and we are being deluged with the concept and with some details, but I think we can look at it in this manner.

What do we send people to prison for in 1971? I think we have to have a dialog on this and maybe come up with a statement that says what we really believe and see if we can get a consensus on this, because if we can the rest of it will fall in line relatively easily, it seems to me.

There are two views. Historically, of course, a prison sentence was imposed for punishment. There was no confusion about it. They did not send you there to find out if you had any problems as a child growing up, if you had any mental hangup or psychological problems

or what your education was. You were sent to prison to be punished. This was a humane substitute for physical, corporal punishment; but it was for punishment and the prison administrators in those days must have had a relatively easy time because there was no confusion about what their role was. They simply had men and they punished them, and that was it; that was all that was expected. But now we say, well, we have changed that somewhat—we still say he should be punished—but we also say we should do something else, we should try to rehabilitate him and give him opportunities to change. And, of course, I agree with this. But we still are talking, we have not really resolved clearly what the role of punishment is in the picture, and so we say historically it was punishment alone. Then we come through the periods of time, in my time, back a couple of decades ago, we had laws that said you are sentenced to 5 to 10 years and the first day is to be spent in solitary confinement or the first week to be spent in solitary confinement, or it said, "You are sentenced to prison for a term of 4 years at hard labor." That was in the statutes, "at hard labor."

The implication from this is the public wants you to be punished. It is in the law, it is not implied, it says you shall be punished. Most of that has been eliminated today and so what we do is we leave to the discretion of wardens and others whether they should punish somebody. The law is rather silent on the question which leads to the confusion and controversy because the law does not say to punish a prisoner, it leaves it open, but we know that prisoners are deprived of certain privileges and rights within the context of running a prison and we have not clarified what the overall justification should be.

This is my view, Mr. Chairman, to just get the ball rolling on how we might resolve this as a question and I think that much of the civil rights problem would be reduced or eliminated if we could agree on something like this.

I think that people are sent to prison as punishment and not for punishment. I think that prisons are for the confinement of the punished and not for the punishment of the confined.

Now, this means that except for two conditions, one being security, because we are obligated under our judicial system to keep an individual until he is lawfully released, and we must keep them in secure custody—as a matter of fact, there are laws in many jurisdictions which say if an official suffers the release, the escape of an inmate, either through willful act or even negligently, he is subject to criminal penalties. We tend to forget that when we talk about liberalizing programs. There is criminal responsibility on the part of administrators for escapes. So the court gives us an order and we must under our system of justice follow that order and keep people confined, so we must have rules that restrict privileges and rights, if you will, for purposes of security.

One other condition and that is proper administration. We must have rules for proper administration that do impinge upon the liberty of individuals. But it is necessary with our overcrowding, for example, we have to have all kinds of rules that we would not otherwise, because of management problems, and so in the course of trying to run these places we call prisons we have to keep in mind security and management.

Now, aside from that, it is my view that no person should be punished in addition to the fact that his liberty is being deprived. He should not have visits curtailed, he should not have lack of communication with the outside, he should get the maximum of showers that can possibly be permitted. He must have maximum religious freedom, and this is again with the exception of those who are being punished for rule violating. I am talking about the regular prisoners.

Mr. WIGGINS. If a purpose of the prison is confinement and the resultant deprivation of liberty is the punishment then further restriction of liberty within the prison except for administrative reasons, would seem to be unnecessary.

Mr. McGRATH. That is right.

Mr. WIGGINS. And I then raise the question of the necessity for cells so long as we have a secure high fence around the whole institution. Would that be consistent with your thought?

Mr. McGRATH. Indeed it would. I say consistent with this, it is a broad scale of kinds of physical facilities that will meet the problems of security but not be excessive. In other words, we do not need cells and maximum security institutions for everybody. Indeed we need far more minimum and medium facilities than we have now, so that is entirely consistent.

I do not think a person should be in a controlled situation any more severe than is necessary. If a man can be kept in a residential community facility which we have in New York, living on a floor of a hotel, if we can reasonably believe that that man will remain in custody under our control in that situation, I think he belongs there rather than in the Tombs. And it is far less expensive to run. And if a man can be summoned instead of arrested and put in a police lockup and then put in a prison, and if he can respond to a summons, I prefer that.

In other words, I think we should be striving for the minimum in terms of security that is necessary to accomplish the objective of keeping the person under proper custodial control to respond to the court and to serve out, if you will, whatever sentence is imposed by the court. But I offer that, Mr. Chairman, as something that could serve as the basis for a discussion because if we could get a consensus that we do not send somebody to get punishment over and above the deprivation of liberty involved in his commitment, if we can agree with that we can put together a prisoners' rights document relatively easy, it seems to me. The controversy is on the little details of this, and it should not be. The problem is what are we sending people to prison for and we do not agree on that. And I think that if we could get some kind of statement that could serve as a guide to all administrations that that is what we believe, and we could get a consensus on that, then I think we could go a long way toward eliminating the vexatious problems, the thousands of writs that are being sent to courts every day all over this country on specific issues that could be solved if we all agreed on this. So I think that is a major cause of riots and problems in our prisons. I think I have perhaps gone a little too long.

Mr. WIGGINS. Whether the gentlemen to your right agrees with that or not should be immaterial as long as New York agrees with it. Why do you not reach that consensus in the State of New York and administer your own prisons in accordance with that philosophy?

Mr. McGRATH. That is what I think I am doing, Congressman. That is my stated philosophy, has been stated publicly, and this is the policy of my department and this is what we are working toward, with great handicaps, I must say.

Mr. WIGGINS. Whether your colleagues to your right agree with you would not compound your problem in New York, would it?

Mr. McGRATH. It would not. This is separable and this is my philosophy and I am suggesting that it is a good way to start in other jurisdictions to see if there is consensus on this and I think our administrators would all agree but I wonder whether the public is ready for that? In other words, the movement from total punishment to saying no additional punishment beyond deprivation of liberty, that is an evolutionary move. I think reasonably progressive administrators are in the extreme. Whether the public has reached this point I do not know. This has got to be a great educational job. To me it is an educational job. Someone else might say this has gone too far, much too permissiveness, you are so drastically reducing the punishment concept in imprisonment you are eliminating the deterrent factor, so, therefore, you are going to encourage more crime.

Mr. WIGGINS. Is this your view or is this the policy of the city of New York in implementing its prison administration?

Mr. McGRATH. That is—

Mr. WIGGINS. This is New York City's policy?

Mr. McGRATH. That is my policy and I have been administering the prisons of the city for the last 6 years.

The CHAIRMAN. While you are in that general area, what about the suggestions that Mr. Leeke made and we commented upon, of work release and employment requiring the inmate to pay back some of the damage that he has done to the individual wronged?

Mr. McGRATH. Yes: I am a strong believer in work-release programs. We have that in New York. We got legislation passed 2 or 3 years ago during my administration to perfect it and we have community residential centers, we have men going out of Riker's Island by the day to work, coming back at night, a very few in number. We also have two community residential facilities, one in a hotel in Brooklyn and another two brownstones in Harlem where men are serving out their sentence and living in the community. There are 104 involved in those two areas today on a daily basis. We are opening one more in the Bronx within a couple of months and I think that is the future of corrections.

I think that we need a great proliferation of these kinds of facilities in the community, particularly for those on the way out for the last few months so that they can get adjusted to community living in a different style than what they had before in most cases, but adjusted to the community in which they are going to live while they are still under some kind of control, supervision and guidance, and I think that is where we are going to have an impact on recidivism and that is where we are going to have an impact on the total crime rate.

I think much has been said recently in terms of prison disturbances and riots about underlying conditions in the prisons. As I have said they certainly are bad in most cases but I think we need to get a little balance and I am afraid that we are going to an extreme overall and that is there seems to be competition among people as to who can

out-liberalize the next fellow and think of a more imaginative program for prisons and that is somehow going to solve all of our problems in prison. Obviously, it is addressed to the right question and we have not done enough but it can be developed to an extreme that we say all we need to do is keep liberalizing programs and that is the end of our problem in prisons. I think we need to be reminded that prisons do still have, aside from the rehabilitative function, a custodial function.

Under our system of law there must be places, whatever you want to call them, for people to be held in confinement of some kind until their cases are disposed of or until their sentences are completed. If we never had a single rehabilitation program in the city of New York we would still need institutions for the confinement of people that are necessary, not desirable, but absolutely necessary to hold people while our system of justice takes effect, so we must not forget that we do need facilities for custodial purposes as well as rehabilitation.

The second thing is, I think we have been, unfortunately, seriously damaging the morale of the people we ask to do this very difficult job of controlling and trying to change our offenders. We are stereotyping correction officers as guards, as caricatures of bestiality and sadism. We are calling everybody who administers prisons, who is over the age of 30, reactionaries and conservatives and people who are not with it these days, who do not have the sensitivity to comprehend modern problems and so on. And I think it is unfortunate that we are maligning these people today and I think that on a high level here in Washington that some special words of encouragement should be given to people who put their lives on the line every day, who go into prisons with no weapons. In the city of New York they do not carry a stick at all, they have absolutely no weapons, and two officers on a floor with 240 inmates moving among them subject to being taken hostage at any moment. This is what we have people doing today, people with families, good people. I have letters from inmates praising officers for things they have done and I think it is unfair for that image to be circulated abroad that what we have in prisons today are romantic revolutionary, well-meaning, deprived people who are victims of our society and pigs who are violent sadistic people who are out to do them physical harm, if possible.

I think that the pendulum is swinging rather extremely and we need a little balance and we need some understanding for the people who are doing this very difficult job every day and are going to have to continue to do it and not discuss these problems in an academic fashion or over a cocktail but who have to go in there 8 hours a day and have to deal with the problems as they come up day by day sometimes aggravated by uninformed or misinformed or poorly motivated people on the outside. I hope that this committee will find its way clear to say some few commendatory things about some of the people who are working in this very difficult and these days thankless job of handling society's offenders.

Maybe that is enough.

The CHAIRMAN. I think that is a recommendation well made and it will certainly be well received by this committee. We all know that there are some that are subject to criticism. On the whole, I think that

the correctional authorities of this country are dedicated men and women, conscientiously trying to do their duties under laborious and dangerous circumstances, generally underpaid and generally not compensated adequately for the services they render. We certainly share that recommendation with you and we are glad to have it in the record.

Mr. Mann, any questions?

Mr. MANN. Thank you, Mr. Chairman.

Mr. McGrath. I would imagine that your rehabilitation program is made difficult by the fairly short term that your average prisoner serves. What is the range of terms that the New York City Correctional Department attempts to manage?

Mr. McGrath. Yes, sir; the maximum sentence for adults is 1 year, and we do have a reformatory for adolescents from 16 to 21, where they serve a 3-year indefinite sentence, but generally it is 1-year maximum.

Mr. MANN. You find it difficult to do much in the way of job training or programs of that sort, institutional programs?

Mr. McGrath. That is right. In the State system, it is easier to develop the more traditional programs when you have a person for a longer period of time.

Mr. MANN. Nevertheless, the programs of work release can be applied in that type of program.

Mr. McGrath. Yes, indeed.

Mr. MANN. I believe that is all I have, Mr. Chairman.

The CHAIRMAN. Mr. Phillips.

Mr. Phillips. Did there come a time recently when you changed your policy on handling disturbances? I think I read something in the newspaper to that effect. Am I correct?

Mr. McGrath. No; I have tried to make it clear there are several spokesmen for the department of corrections in New York City, I think you know Mr. Phillips, self-appointed spokesman, I might say. But the policy is determined under the charter by the commissioner, and the policy has been all along flexibility in terms of all of these problems.

Now, certain others, the head of the union really has his own idea but he does not speak for the department of corrections, he does not set policy, and certain other people who get into the print, newsprint in New York City, they assume to speak for the department but they do not; they speak for themselves. So that is the policy since I came there, that was the policy in Massachusetts when I was there.

Mr. Phillips. Is that the policy of the American correction authority?

Mr. McGrath. Yes, sir; it really is. I think Bill Leeke can speak to that. The manual of standards for corrections really does say each case has to be judged on its merits and underlying all of this, of course, is to move in fast. The assumption is that you move in as fast as you possibly can with the least amount of lethal force but with the hope that you can do that. The underlying concept is flexibility to judge each case.

The Branch Queens riot that was so highly organized and run by such expert leaders of radical groups, well trained on the outside and organizing these things, they had designated positions to prisoners. They took all prearranged titles. They had guard titles, different captain titles, minister of information titles that was so structured that

when the riot started, when they took six hostages, obviously we had to be very careful because they were all organized in a military fashion with weapons. They had spears at my head, they had gasoline in those Flit cans ready to spray on me and throw matches to put me on fire. These are people you do not move right in on. You can talk with these people for a while and see what possibly can be done.

On the other hand, as I said, on Riker's and in Brooklyn and in New Queens we reached a point where we said, "Well, we are moving in." We gave them a certain deadline and when it was not met we went in and we went in fast and with a really minimum number of officers and we were successful.

In two cases we gave ultimatums and gave them a certain time and said, "We will talk with you provided you release the hostages by a certain time without giving any concessions." We used that technique in two cases.

Mr. PHILLIPS. Do you think there is any benefit in that the prison population should know what your policy is?

Mr. McGRATH. Yes; and I think one thing I meant to say a little earlier, that is, any declaration of principles about these things should start off with flexibility. One thing there is no flexibility about and that is taking hostages. I think it should be made clear nationally and in every State and local jurisdiction that it is totally indefensible for anybody to take anybody a hostage and that for taking hostages there will be no immunity, no privileges extended for taking hostages. That should be made clear.

In the middle of the Branch Queens riot we had grumblings in Brooklyn that it was going to go. I even suggested to the inmate leadership at that institution they could have a hunger strike, they could have a sitdown strike. I brought the press into the institution in the visiting room and brought the inmates down to talk to the press. I tried to give them maximum exposure to explain their grievances, but no hostages. That was the one thing that has to be made absolutely clear. We cannot have anybody kidnaping anybody else for any reason.

Now, they can do all kinds of other things, and they should be permitted to have total action. We permit sealed mail to go from all of our institutions to anybody, totally uncensored and unrestricted. They can write to anybody they please and say anything they want without any rebuttal from us. They should have that kind of communication but there should be no question on the taking of hostages. It should be made absolutely clear to inmates everywhere that the taking of hostages is not to be tolerated.

Mr. PHILLIPS. Does California have a policy where they go in when the hostage is taken without any reservation? They just move in. That policy has been explained to me, but it has not been explained in any great detail. Are you aware of such a policy and would you comment on it?

Mr. McGRATH. We had a meeting, as Bill Lecke said, in San Francisco a few months ago with the State administrators, and Commissioner Procunier from California was there, and I do not think it is as clear as that. Perhaps, Bill, you can comment on this. But what I think their policy is, and we had this in Massachusetts, clearly stated to inmates, that with a hostage, if you have a hostage, the order is no one can permit you out of that gate. In other words, that is a firm

resolution. That the inmates are told that that hostage has to be willing to give up his life if it is a question of letting the man out the gate. I think that is their firm policy and we had that in Massachusetts. But I do not know that they have an absolutely firm policy on moving in immediately and no discussions if there are hostages, I am not sure of that.

Mr. PHILLIPS. Thank you.

The CHAIRMAN. Just two or three questions, Mr. McGrath. What do you think should be the Federal aid program that we should recommend to aid the prison problem of the country?

Mr. McGRATH. I would say first, Mr. Chairman, that I hope this committee recognizes that many of the municipalities are far worse off than the States. You know, with the very small tax base that cities have available, we should be perhaps entitled to a little more consideration from Federal fund sources than States, because the States can raise their taxes, and we cannot, really, in many instances. So the cities are badly in need of Federal funds, and if it was not for LEAA in the last year or two, we would be in desperate straits. In New York, we have initiated a lot of programs through LEAA funding. So I would hope the cities would get some kind of preference from the Federal Government and maybe direct assistance rather than through State grants and then coming down to the cities. We need operational funding, and I know it is nice to talk about building buildings. We do not have trouble getting bond issues to build structures; we have trouble with operation money. And there is not any sense in kidding. We talk about matching funds and so on. We are really in desperate shape to keep our prisons going in a humane fashion and trying to do a positive job and we need pump priming, we need funds, and I think we need leadership.

As you said, Mr. Chairman, the Federal Government does have more funds available but it also has an image that is far better than State or local images in terms of pulling experts together and developing standards and holding carrots out; that is, if you have 5 percent of your budget in the area of professional rehabilitative services then you are entitled to a further grant. Making certain kinds of minimum standards that will encourage the upgrading of facilities we are running now and encouraging the change to the community-based concept, that, I think, is so important.

The CHAIRMAN. What Federal assistance are you now getting?

Mr. McGRATH. We are getting considerable from the Law Enforcement Assistance Administration. We have a \$2.4 million program for so-called correctional aids that we have just put in in the last 6 months and that is recruiting paraprofessionals from the ghetto areas to work with the inmates on basic human needs, assisting correction officers, serving in between the professional and the correctional officer assisting the individuals with some of their basic problems and going to John Jay College 3 days a week and working with us 2 days a week. We also have a sizable grant which has permitted us to change our training procedures for correction officers and we now have the Urban League involved where we placed a much greater stress on sensitivity training, training our new officers and our inservice training to understand a little better the life style and the problems of the minority

group people that has been a major thing in the last 6 months. So that has been a great help.

Incidentally, over 50 percent of our officers are black, and another maybe 5 percent are Puerto Ricans, so we have a fairly sizable representation there. And I might say in response to a question that was asked earlier, that we had as many black officers taken as hostages as we had whites, and with the numbers that we have we do not get the Uncle Tom syndrome because there are just too many of them to be Uncle Toms at this point. So those things do not need to be a strong impediment to recruiting these kinds of people because in the course of time these things do work out, these officers are officers and they are law-abiding citizens and they do their jobs first and foremost and not identify just because they come from the same ethnic background that a given prisoner may.

The CHAIRMAN. We could spend a week with you three gentlemen and would profit from every minute of it, but unfortunately, we are already delayed in hearing the other two witnesses. So on behalf of the committee, I wish to thank you very much. You are outstanding people, you are making a great contribution toward this problem and we thank you for the help you have given us.

Our next witness is Mr. Richard Velde.

Mr. Richard Velde was named Associate Administrator of the Law Enforcement Assistance Administration in March 1969. Prior to that, he served as minority counsel of the Senate Subcommittee on Criminal Law, and minority counsel of the Subcommittee on Juvenile Delinquency.

Mr. Velde will be a key figure in the National Conference on Corrections which opens Sunday at Williamsburg, Va., and he and LEAA plan to rely heavily on the conference's findings and recommendations in future corrections efforts.

I will say I am exceedingly sorry that on account of this committee having hearings beginning Monday on organized crime that I am going to have to miss attending the correctional conference at Williamsburg to which I was kindly invited by the Attorney General. Mr. Wiggins of our committee will be there to represent us and to report back to us on the valuable proceedings which I am sure will occur there.

Mr. Velde, we are very glad to have you. You may read your statement or put your statement in the record and summarize it, as you will.

STATEMENTS BY RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE, ACCOMPANIED BY KENNETH S. CARPENTER, CHIEF CORRECTIONS SPECIALIST, TECHNICAL ASSISTANCE DIVISION; AND DR. DAVID FOGEL, COMMISSIONER, MINNESOTA DEPARTMENT OF CORRECTIONS

Mr. VELDE. Thank you, Mr. Chairman. That is distressing news to hear you will not be able to join us.

The CHAIRMAN. Who is the other gentleman with you, Mr. Velde?

Mr. VELDE. This is Mr. Kenneth Carpenter.

Mr. Carpenter is the head of our corrections branch in the Technical Assistance Division in our Office of Criminal Justice Assistance here in Washington. He is the top man in our agency directly concerned with corrections at the operational level.

The CHAIRMAN. We are very glad to have you also.

Mr. VELDE. With your permission, Mr. Chairman, I would ask that my statement be submitted for the record. It is a rather lengthy one. The hour is late. So, with your permission I will just briefly summarize it.

The CHAIRMAN. Without objection, the statement will be received in full.

Mr. VELDE. Thank you, Mr. Chairman. May I preface my remarks by saying it is a pleasure to be back before this committee.

The CHAIRMAN. We appreciated your previous appearance with us and the help you have given us.

Mr. VELDE. Also, I am displeased to hear the news you will not be able to join us in Williamsburg. You would have made a very valuable contribution, although you will be ably represented by Mr. Wiggins. It is a disappointment to hear that you will not be able to be with us.

If I may briefly summarize, Mr. Chairman, I think the conditions existing in our Nation's prisons and jails have been well-documented before this committee in hearings and, of course, in the field visits that your committee has made to the various State and local institutions.

LEAA has collected a considerable number of national statistics as to the status of our Nation's correctional institutions and system. I am sure this committee has previously seen our national jail census, which was the first 100-percent inventory of the Nation's jails and my statement goes into some detail as to the findings of this census in which the Nation's 3,300 jails did not measure up well in terms of any commonsense standard as to what a correctional institution should be. When summarized, almost 90 percent of them had no provision for education or recreation or exercise whatsoever. Almost half of the Nation's jails had no medical program at all and about a quarter of the Nation's jails did not have visiting facilities so that inmates could talk to their friends, or their counselors, or families. And, of course, we find it almost inconceivable that of the Nation's 100,000 jail units in this country, about 5,500 of them are well over 100 years old and are still in use. We even found, Mr. Chairman, five county jails that date to the early 1700's that are still in use in this country. So just from the standpoint of institutions and programs therein, this Nation has a long way to go and, of course, this record is well-documented, as I said, in recent hearings before this committee.

I think it is safe to say, Mr. Chairman, that there has been an increasing public awareness of the deficiencies and the shortcomings of corrections and the need for improvement. The witnesses that preceded me here this morning represent a new breed of correctional administrators who are willing to come out of the solitary confinement that unfortunately corrections administrators have been in literally for 2 centuries, and who are willing to take their story, their case, their needs for new programs and new appropriations, to their public, to the legislators, to the county boards, and to the city councils, so that corrections and indeed, all law enforcement can receive an adequate share of the taxpayer's dollars to support these essential needs.

As you know, there has been a Federal response and a Federal involvement in assisting State and local governments to improve the situation in corrections. The Omnibus Crime Control and Safe Streets Act of 1968 was passed overwhelmingly by Congress to establish a Federal role in assisting the improvement of State and local law enforcement.

The CHAIRMAN. As I recall—it did not become law—we provided in the House bill that 25 percent of the LEAA funds should be for correctional institutions. Was that reduced in the Senate bill?

Mr. VELDE. In the original 1968 legislation that feature of the House bill was not carried forward in the Senate and it was not enacted into law.

The CHAIRMAN. So there is no required percentage of your funds to be allocated to the correctional institutions.

Mr. VELDE. Not in the original legislation. However, as you are well aware, in January of this year the President signed into law the new part E program of the Omnibus Crime Control Act of 1970 which does earmark special funds for corrections.

The CHAIRMAN. How much is the amount?

Mr. VELDE. The law provides that not less than 20 percent of the funds made available for the regular assistance program shall be allocated to the new part E. So there is an automatic share now of 20 percent of our action funds that are earmarked specifically for corrections.

The CHAIRMAN. So now by Presidential action 20 percent of LEAA funds are allocated to correctional programs?

Mr. VELDE. To correctional programs; yes, sir. There is a statutory priority which indicates that preference shall be given for community-based programs as opposed to institutional programs so the big bulk of this assistance is made available through the statutory priority for the development of alternatives to incarceration; that is probation, parole, halfway houses and the like; so it is not fair to say that the majority of this money goes for institutional programs.

The CHAIRMAN. How much money in fiscal 1971 went to the correctional institutions of the country?

Mr. VELDE. Well, first of all, there are three pots of money that we should identify separately. For the new part E program, which was signed into law on January 2, Congress appropriated, in May, a supplemental request in the amount of \$47.5 million. Now, of regular part C block grant funds, our big bulk of action funds, roughly a third of the money went for correctional purposes, at least that amount was allocated by the States in their State plans for this purpose, and of the \$340 million total pot of money of part C block grant funds, about \$110 million was earmarked by the States for corrections. That is about a third of the regular block grant funds.

Mr. PHILLIPS. You say a third went to corrections?

Mr. VELDE. That is correct.

Mr. PHILLIPS. I think the question was how much went to institutions.

Mr. VELDE. I cannot give you an exact figure but my estimate, subject to supplying the accurate figure for the record, would be about \$40 million of the \$110 million.

(The following information was subsequently received:)

Fiscal year 1971 allocations to institutions—part C and part E

Institution planning and construction-----	\$41, 400, 000
Institution program innovations-----	19, 800, 000
Total -----	61, 200, 000

Mr. PHILLIPS. Another \$70 million went to probation, parole, half-way houses, and only \$40 million went into the construction or development of institutions or rehabilitation and programs and things of that sort?

Mr. VELDE. Yes, sir, although of the other \$70 million, several million dollars went for training programs which would benefit guard forces and so on in institutions as well as noninstitutional employees, too. Some of the other \$70 million would indirectly benefit institutional programs through training and upgrading of correctional officers.

For a third item in the fiscal 1971 funding picture, part C, discretionary, about \$19 million was allocated. So the total of the three funds, three pots of money, amounts to \$176.5 million for the fiscal year that closed last June 30. I have checked the institutional figure now. Of the \$176.5 million, \$61,200,000 went for institutional construction and programs.

For the current fiscal year, Mr. Chairman, the States are just now beginning to submit their comprehensive plans for the current year. It will be another 2 months before we have accurate exact figures. But if the funding pattern of the last fiscal year is the same this year, we estimate that in toto somewhere between \$225 million and \$250 million of LEAA funds will be made available for corrections, institutions as well as community, noninstitutional programs, for the current year.

The CHAIRMAN. What is the LEAA appropriation for fiscal 1972?

Mr. VELDE. Congress has appropriated our funds for the current fiscal year, Mr. Chairman, and the total amount of the appropriations is \$698.4 million.

The CHAIRMAN. That will be from July 1 of 1971 through June 30, 1972?

Mr. VELDE. That is correct.

The CHAIRMAN. Will that enable you to provide an increase to the States in respect to their correctional institutions?

Mr. VELDE. For the part E program the amount appropriated by Congress is roughly double what it was for the fiscal 1971 supplemental. The amount goes from \$47.5 to \$97.5 million.

Again, Mr. Chairman, there is a statutory priority in part E so that the preponderance of funds will go for noninstitutional programs; that is, community-based programs, but if the same funding pattern holds true roughly 40 percent of the part E funds will go for institutional programs.

The CHAIRMAN. So you will be able to do more to help the States in fiscal 1972?

Mr. VELDE. Yes, sir. It may well be, Mr. Chairman. We are just estimating at the current time until the State plans come in, but it may well be that when the State plans actually come in that the LEAA funds available for the current fiscal year will double again the

amount of Federal funds available for corrections for the preceding 3 fiscal years.

The CHAIRMAN. What would be the scope of the aid that the Federal Government can give?

Mr. VELDE. It will cut across the entire gamut of correctional programming, State, county and local, institutional, and community-based programs. The statute is very flexible.

The CHAIRMAN. Based on the plans submitted by the States?

Mr. VELDE. Based on comprehensive plans, that is correct.

The CHAIRMAN. Do you have the right of approving or rejecting those plans or approving them in part and rejecting them in part?

Mr. VELDE. Yes, we do have an obligation, a statutory mandate to review and approve those plans and determine whether or not they are comprehensive.

In part E there is an additional requirement concerning that one pot of money that LEAA in consultation with the Bureau of Prisons develop criteria and guidelines for the expenditure of both the State's share and the discretionary funds.

The CHAIRMAN. How much, if any, of the Federal money do the States have to match in order to get it?

Mr. VELDE. For the part E money the State or local share is 25 percent and that includes construction, too. In other words, the Federal share is 75 percent. That can either be hard or soft. For the part C funds for all grants except construction, the Federal share is 75 percent. For part C construction the Federal share is 50 percent.

Now, beginning next July 1, of the 25 percent State and local share, first of all, there is a requirement that 40 percent of the 25 percent must be hard match, then there is an additional requirement that if the grant is going to a local government there is a State buy-in requirement of 25 percent of the 25 percent. In other words 6 percent of the total cost of a local government project must be provided by the State government.

The CHAIRMAN. What is the difference between hard matching and soft matching?

Mr. VELDE. Hard match is cash, soft match is donated or contributed goods such as office space, furniture and equipment, or the salaries of employees who are involved in the project whose salaries are not paid for from the grant proceeds.

The CHAIRMAN. We had some discussion here previously about whether Federal aid should go for construction or for programming. You can afford under the State plans aid for the building of physical structures, also for the provision of facilities, also for the financing of programs?

Mr. VELDE. That is correct.

The CHAIRMAN. Can you provide assistance in the payment of salaries to personnel in the correctional systems of the States?

Mr. VELDE. Yes; but only in very limited respects, Mr. Chairman. There is a statutory provision in our law which states that not more than one-third of any grant may be used to pay one-half of a salary increase for regular police and corrections personnel.

The CHAIRMAN. Correctional personnel in institutions?

Mr. VELDE. That is correct. As you recall, Mr. Chairman, when the Congress passed this legislation in 1968 the matter of salary subsidy

or salary support was a very controversial item. In fact, the House Judiciary Committee report, the majority report, stated, I think, in rather dramatic terms, he who pays the piper calls the tune, and the committee was very apprehensive about getting the Federal Government in the permanent business of subsidizing police salaries over the long run. First of all, a long-term commitment would be involved, but perhaps more significant is the fact that Federal domination and control would be very possible through this vehicle of the salary subsidy.

Mr. PHILLIPS. Could you explain in a similar fashion the origin of the provision which you say requires that a major portion of the corrections funds go to programs rather than institutions? What was the origin of thinking in that?

Mr. VELDE. Well, I think that the rationale of the original bill that was introduced in the 90th Congress by Senator Hruska, which I had some part in drafting, was that, by and large, institutional programs were failures and that the amounts involved to rehabilitate, to modernize, to expand existing institutional programs, would be so great that in the short term it would be more cost effective in general to devote the big bulk of the funds to noninstitutional programs. So this was the rationale.

Mr. PHILLIPS. Have you been able to follow to any degree the testimony that we received here for the last few days? The testimony seems to be that there is a tremendous need for new institutions, that the institutions that we have now—I am talking about the building structures—are in the worst shape imaginable, that the present penal authorities throughout the country are inheriting buildings which are 200 years old, which lock them into programs which cause all kinds of difficulties, and that they just don't have the bond issue, don't have the moneys in the States to create new institutions.

The major criticism, I think almost universally accepted here, has been that 2,000-man institutions or 3,000-man institutions are undesirable and not working. They are probably a major cause of the riots and disturbances. Everyone has suggested that institutions of 500 are optimum. That is what we should be going to but we don't have the money.

I noticed in one of your recent reports that LEAA states that you are not in the business of trying to build more institutions. That is not your philosophy of operation: is that correct?

Mr. VELDE. Well, first of all, our implementing guidelines for part E state that an institution of more than a 400-inmate capacity would have to have special approval by the LEAA administrators. In other words, we have a policy of encouraging utilization of these funds for the smaller, we feel, more manageable, institution.

Mr. PHILLIPS. Do you have a policy of steering your money away from building new institutions?

Mr. VELDE. By and large, that is correct, and as I indicated, there is this legislative history to the statute which does direct part E funds away from the institutional activity.

Mr. PHILLIPS. Apparently the statute, as you described it, does give the administration some discretion?

Mr. VELDE. That is correct.

Mr. PHILLIPS. Within the administration's discretion you could earmark funds now for more construction?

Mr. VELDE. Yes.

Mr. PHILLIPS. But it is not your intent.

Mr. VELDE. In fact there is a considerable activity going on now in the planning stage for new institutional construction. In fact, prior to coming up here this morning I checked with our National Clearinghouse for Correctional Programing and Architecture at the University of Illinois and they are currently actively involved in about 125 construction projects. Now, these are still in the planning stages for the most part but there is a considerable amount of activity in planning for new construction—

Mr. PHILLIPS. Is it fair to say there are presently 125 applications by States for new construction.

Mr. VELDE. I would say there are probably at least twice that amount. These are the planning applications which have been funded and are in the active stage.

Mr. PHILLIPS. Is that for the development of plans or is that further along?

Mr. VELDE. It involves development of architectural plans. Also, we require through our guidelines, a copy of which I brought along with me and you can see it is a rather extensive document, that the programs will be coordinated.

Mr. PHILLIPS. I have seen it. I can't say I have read it.

Mr. VELDE. On the surface it appears to be rather imposing but it really is extremely useful. It requires the planners, not only the architect, but the managers and planners of the whole project to really take inventory and take stock of their correctional system and to look at the population projections over the next several years and the projected crime trend and also to inventory the total resources in the community, whether it be in a locality, at the county level or at the State level, as to what is available now and what their long-term needs are.

Mr. PHILLIPS. I am sorry to interrupt you. I think the committee would be interested in knowing where these applications are, where they are in the country, and what particular phase or step these particular institutions or these applications are in. In other words, how many new prisons are going into New York or how much new construction is going into Florida, Illinois. Do you have any reports which reflect that there is actual Florida money going into construction in that particular State?

Mr. VELDE. We can supply that for the record. I did not bring along the information this morning.

Mr. PHILLIPS. Thank you.

Mr. VELDE. It will take some doing but we can assemble that.

(The following information was received from Mr. Velde:)

Attached is a summary of the activities of the National Clearinghouse for Correctional Programing and Architecture. Also attached is a list of projects, State by State, for which the National Clearinghouse is providing technical assistance. The term "partial," as used on the title page, means only that in some states (i.e., Maine) the Clearinghouse is involved in the total corrections master plan and the individual projects are not listed.

NATIONAL CLEARINGHOUSE FOR CORRECTIONAL PROGRAMING AND ARCHITECTURE

DECEMBER 17, 1971.

Under the auspices of the U.S. Department of Justice, Law Enforcement Assistance Administration, the National Clearinghouse for Correctional Programing and Architecture at the University of Illinois has developed national Guidelines for correctional program planning and architecture. The publication of "Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults" is a direct response to the Omnibus Crime Control and Safe Streets Act of 1968 which focuses national attention on corrections under the Part E Amendment of 1971, and which provides Federal support for programs and facilities which are consistent with advanced practices. In particular, the Guidelines responds to major recommendations outlined by the President, as part of a 13-point program designed to improve the correctional system. Interdisciplinary in nature, the Guidelines takes an open system approach, which unites the law enforcement branch, the judiciary and the correctional systems, in a total planning process and, as such, represents a significant turning point in the quest to improve our criminal justice system.

In anticipation of the passage of the part E legislation by Congress, the Law Enforcement Assistance Administration, U.S. Department of Justice, contracted with the University of Illinois, Department of Architecture in June of 1970, to prepare these comprehensive planning and design guidelines. The competent interdisciplinary staff assembled at the University of Illinois for this purpose has worked beyond any normal expectations which could be made of them to accomplish this major undertaking. Part E legislation provides Federal funding for assistance in the improvement of correctional programs and their required facilities. Emphasis is to be placed upon improved treatment practices and not upon the construction of new versions of past failures. Accordingly, the team assembled includes sociologists, lawyers, survey researchers, library scientists, and architects, all from the resources of talent available within the University of Illinois.

As part of the Clearinghouse function the University of Illinois is presently involved in 47 States in conjunction with their development of improved correctional programs and facility planning. The range of contributions is considerable: in five States, Hawaii, Maryland, Maine, New Hampshire, and Vermont, the Clearinghouse is instrumental in the development of the State master correctional plan; in 14 States, the Clearinghouse is involved in a comprehensive and systematic development of regional correctional institutions; and in 28 States, improved correctional systems are being planned and designed on the community level.

Having received the widest possible dissemination, including presentations to the U.S. Department of Justice, Law Enforcement Assistance Administration, the Congress of the American Correctional Association, national meetings of the directors of the State departments of corrections, national meetings of the directors of State planning agencies, the National Conference on Corrections called by President Nixon, the numerous other agencies and programs, the guidelines are currently being used by correctional administrators and architects to significantly improve correctional systems which have heretofore suffered neglect all over the country. Acknowledgements as to the unique achievement have been coming from such qualified experts as the American Correctional Association, the American Institute of Architects, the National Sheriff's Association, the United Nations Institute for Social Defense, State planning agencies, departments of corrections, and many private foundations such as the American Foundation of Philadelphia and the John Howard Associations of Chicago and Hawaii. Equal recognition has come from the various disciplines of universities, practitioners in the field, and those directly engaged in the implementation of the work.

The research and technical assistance activity of the Clearinghouse ranges as follows:

- (a) Systematic shunting out those individuals who are not within the proper sphere of corrections, such as the alcoholic and the mentally ill;
- (b) Provision of pretrial release programs which assist the socio-economically disenfranchized in attaining equal treatment under the law;
- (c) Designing alternatives to incarceration for pretrial detainees as well as eligible convicted offenders;

(d) Planning and design of the best possible correctional facilities for those for whom detention or other facility support must be provided;

(e) Development of supportive physical environment for a diverse range of alternative judicial dispositions and reintegrative, community-based programs;

(f) Development of network budgets and costs comparisons for facility requirements of service areas;

(g) Development of reintegrative services for offenders back into their communities and society; and

(h) Review and evaluation of correctional programs and facility plans which seek Federal funding, on a national basis.

PARTIAL LISTING OF PROJECTS FOR WHICH THE NATIONAL CLEARINGHOUSE IS
PROVIDING TECHNICAL ASSISTANCE

Arizona

Correctional Master Plan and Correctional Training Facility, State of Arizona; Arizona Correctional Training Facility, Gila County; Kingman City Jail; Phoenix City Jail Remodeling; planning for Maricopa County Jail Expansion (Satellite Jail), Phoenix; Maricopa County Juvenile Court and Detention Facility, Phoenix; Graham County Jail and Office Building, Safford; combined Correctional Facility, Santa Cruz County; and Winslow City Jail, Winslow.

Arkansas

Pulaski County Jail, Pulaski County.

California

Correctional Facility, County of Riverside; Design Standards for Confinement Conditions, San Diego; and Minimum Security Post-incarcerative Center, Ukiah, Mendocino County.

Colorado

County Jail Expansion, Boulder, Colorado.

Connecticut

New Haven Jail, New Haven.

Florida

Community Correctional System, Broward County; Polk County Jail, Lake Wales; Orange County Correctional Facility/Work Release, Orlando.

Georgia

Regional Detention Center, Macon.

Hawaii

Correctional Master Plan, State of Hawaii; Technical Assistance, State of Hawaii.

Illinois

Six "Community-based" Detention Facilities, Illinois Department of Corrections "Metropolitan Sites"; Planning Model for Developing the "Regional Correctional Facility" Concept, State of Illinois; Pre- and Post-Sentence Correctional Facility, Bloomington; Master Plan for the Phased Replacement of the Cook County Jail, Chicago; Chicago Metropolitan Correctional Center, Chicago; Facility for Mentally Ill Offenders, Chicago; Illinois Reception and Diagnostic Center, Chicago; Danville/Vermillion Jail Complex; Decatur Juvenile Detention Center, Decatur; City-Council Jail, Boone County, Illinois, Belvidere; Kane County/Adult Detention Facility, Kane County; Regional County Jail, Ottawa; Rockford/Winnebago Public Safety Building, Rockford; and Vienna Corrections Center, Vienna.

Indiana

Allen County Sheriff's Office and Detention Center, Fort Wayne; Upgrading the Gibson County Jail, Princeton; and Renovating the Shelby County Jail, Shelbyville.

Kentucky

Barren County Regional Corrections Study, Barren County; Correctional Complex, Louisville; and Community Correction Center (Multi-parish or County), Baton Rouge.

Louisiana

Regional Correctional Facility, Gretna; Regional Correctional Facility, Jefferson Parish; and Orleans Parish Prison (County Jail), New Orleans.

Maine

Correctional Master Plan, State of Maine.

Maryland

Community Corrections Operational Task Force; and Prince Georges County Detention Center, Addition and Remodeling, Marlboro.

Michigan

Kent County Jail Expansion Project, Kent County; State House of Corrections Adjustment Unit, Marquette; "Juvenile Detention and Rehabilitation Center" Oakland County, Pontiac; and Wayne County Jail Reception and Diagnostic Center (and Renovation), Wayne County.

Minnesota

(No project title), Hennepin County.

Missouri

Buchanan County Jail and Law Enforcement Facility, Buchanan County.

Nebraska

Dakota County Jail, Dakota City; "Hall of Justice," Sarpy County and Papillion; and Douglas County Correctional System.

Nevada

County Correctional Center, State of Nevada.

New Hampshire

Correctional Master Plan, State of New Hampshire.

New Jersey

Atlantic County Juvenile Detention Home, Atlantic City.

New Mexico

Court Treatment Center, State Hospital, Albuquerque; Girls Training School, Albuquerque; "Plan and Design"—Laguna Center for Corrections and Social Rehabilitation, Laguna Pueblo, West of Albuquerque; Regional Corrections Feasibility Study, Albuquerque; Grant County Correctional Facility, Grant County; and Chaves County Jail Alterations, Roswell.

New York

Proposed Detention Facility, New York City, Borough of Manhattan.

North Dakota

Multi-Service Center, Devil's Lake.

North Carolina

Community Correctional Center, Cumberland County.

Ohio

Workhouse Facility, Akron; Juvenile Detention Center Court Study, Canton; Correctional Master Plan for Hamilton County, Cincinnati; and Cuyahoga County Justice Center, Cleveland.

Pennsylvania

Addition to the Bucks County Rehabilitation Center, Bucks County; Correctional Facility, Harrisburg; and Development of a Work Release/Pre-Release Program and Center, West Chester (Chester County).

Puerto Rico

Multipurpose Addition to State Penitentiary, San Juan.

South Carolina

Technical Assistance; Maximum Security Men's Institution, Columbia; Maximum Security Women's Institution, Columbia.

South Dakota

CCTV for Bureau of Indian Affairs, Aberdeen.

Texas

Regional Correctional Facilities, State of Texas; Regional Planning, Arlington; and Detention Facility, Beaumont.

Virgin Islands

Correctional Complex.

Virginia

Jail Renovation, Chesapeake; Comprehensive Justice Center, Fairfax County.

Washington, D.C.

Women's Correctional Center.

Wisconsin

Milwaukee County Detention and Corrections Center, Milwaukee.

Wyoming

Correctional Master Plan.

The CHAIRMAN. We all recognize there must be vastly expanded and improved educational and vocational programs in the various correctional institutions. Does your program provide assistance in that area?

Mr. VELDE. Yes, sir; it does, Mr. Chairman.

The CHAIRMAN. What about eligibility for the other Federal programs? For example, under the various educational programs that the Federal Government assists, can they include educational assistance to the correctional institutions?

Mr. VELDE. Yes; OEO has several projects, new gate efforts in State institutions, I think in five States, in which inmates are going to college. They are released from the institution to go to college.

The CHAIRMAN. What about the manpower training programs? Are they available to the correctional institutions for vocational training for inmates?

Mr. VELDE. In many instances yes, Mr. Chairman. In fact, I believe Mr. Leeke this morning indicated a program in the Labor Department involving manpower development which is now in the prototype stage.

The CHAIRMAN. They would have to match the Federal funds under that program.

Mr. VELDE. I believe there are matching requirements, Mr. Chairman. I could not give them to you at this time. We could supply it for the record, though.

The CHAIRMAN. Thank you.

Mr. VELDE. I have enough trouble keeping the matching requirement of our own program.

(The information referred to above follows:)

The Labor Department Inmate Training Program—MDTA Title II, section 103, requires no match.

The comprehensive model contract (South Carolina) is a Department of Labor \$40,000 planning grant—the State is expected to contribute a soft match, but there is no specific matching requirement.

According to the MDTA staff, the Department of Labor corrections program is not being cut back.

Mr. PHILLIPS. Mr. Wiggins had a number of questions he put to witnesses this morning, I think the octopus analogy was used at that time. Do you recall those particular questions?

Mr. VELDE. I was not present during the octopus questioning but I did hear some of his questions.

Mr. PHILLIPS. I think the thrust of his questions were would State administrators buy the program of having one agency in the Federal Government where they could look for aid rather than going to the Labor Department and going to HEW or going to Justice or any of those places; would it be better to have all of these programs in one place so that at least the State agency knew who they had to deal with and could develop that type of relationship which would bring productive enterprise. What would be your thinking about that?

Mr. VELDE. Well, of course, the Nixon administration is committed to the consolidation of grant programs. This is one of the key features of the revenue-sharing proposals in which some 130 separate grant programs would be consolidated into five. The LEAA program, of course, is one of those involved in revenue sharing but there would be no consolidation of our programs as it now stands.

I think in HEW, if I am not mistaken, 110 separate grant programs would have been consolidated into about two or three by that proposal. So I think the administration is committed to the general proposition of consolidation and streamlining of, well, let's see, I have heard different numbers, anywhere from 450 major grant programs to over a thousand, if you include minor grant programs, and, of course, most of these have been created in the last decade. I think there were less than 50 in 1960.

Mr. PHILLIPS. Is there any present plan under consideration about changing the hard match and soft match and trying to make that more simple? I think Mr. Leeke was unhappy with that. At least in the tone of his voice this morning he seemed to think that was causing them a lot of difficulty.

Is there any plan now to try to make it more simplified?

Mr. VELDE. Yes. The administration's revenue-sharing proposal for law enforcement which was sent up to Congress this year entirely removes the matching requirement and makes it 100-percent Federal funds. So the administration has submitted this to Congress.

Mr. PHILLIPS. Could you tell me what type of applications, in general and the number if you can, are being made to you by the States in the corrections area?

Mr. VELDE. Well, I think it is safe to say they cover the entire gamut of correctional activities from community-based programs to institutional activities.

I think prior witnesses here this morning, both Mr. McGrath and Mr. Leeke, gave you some idea of the range of applications that are being submitted.

Mr. PHILLIPS. I am more interested in focus than I am in range. I think the range is there. Are there any consensus of demands or requests that you see developing or is it just everybody has his own idea and they come in and everybody has his own program and they are applying willy-nilly? Is there any kind of consensus on the part of States to apply this is what we should be doing, or is everybody sub-

mitting proposals without reference to what is being done throughout the country?

Mr. VELDE. In response to the statutory priorities and LEAA guideline priorities, a big bulk of the applications do center around community-based programs. Whether or not correctional administrators, if left totally to their own discretion, would be so heavily committed to those kinds of programs I just wouldn't want to speculate. But I think the applications do reflect the statutory priorities so naturally we get the bulk of the applications in that area. But I am saying there is still the interest in institutional construction, renovation, and repair, modernization. Particularly in that field, the development of the regional jail, or the regional corrections complex, is perhaps the most dominant thread or theme in institutional activity.

(The following information was received from Mr. Velde:)

In fiscal year 1971, 529 applications were received for corrections discretionary grants. The number of applications by program area were as follows:

G-0, miscellaneous-----	24
G-1, probation & parole improvements-----	187
G-2, correctional center development-----	98
G-3, multi-State facilities for special types of offenders-----	4
G-4, institutional program innovations-----	123
G-5, recruitment of personnel for corrections-----	23
G-6, correctional center construction-----	30
G-7, community based correctional programs-----	40

Mr. PHILLIPS. It seems to me the number of applications and the requests for the money would be some indication of the nature of the problem in the States and you say because of our statutory guidelines that the requests really aren't indicative of the problem that is there, it may be a result of the legislation rather than the problem that the correction people are facing.

Mr. VELDE. Mr. Phillips, in my prepared remarks there is an estimate that it would take \$12 to \$15 billion to modernize and replace the outmoded and obsolete correctional institutions in this country. I would say that would amount to all institutions over 50 years old including those that are 100 and 150 years old. Now that is a very substantial amount of money and I don't believe Congress or the States in the short run are going to be willing to provide those kinds of funds nor do I think that is necessarily the most productive way of spending the resources, Federal, State, and local, that would be available for corrections.

At this point, as my statement indicates, we can't really tell what the ideal correctional institution will look like. We can surely tell you a lot of things that have failed and failed rather miserably through the years. There is a lot of experimentation, a lot of trying out of new ideas going on around the country. I think my cowitness here from Minnesota probably could identify for you a number of programs in Minnesota.

Mr. PHILLIPS. But I think it is clear, at least from the testimony we have heard so far, that these institutions which you say are totally outmoded, which are 200 years old—I think in your own testimony you went back to almost Revolutionary times—that have to be replaced, and it is clear they have to be replaced. I think the other institutions over 100 years old have to be replaced on normal cycling of buildings.

You would say a 150-year-old building, unless it has been very well modernized, is no longer of any use. Wouldn't it appear clear that that is where we would be best spending our money, that is at least a needed required investment rather than—

Mr. VELDE. No, not necessarily, because without naming names or citing institutions, we can identify institutions that have been built in the last 10 years and indeed in the last 2 or 3 years that although they are new in terms of the physical plant they are just as old and just as obsolete as San Quentin, as cellblock 1 in Columbia, S.C., which was built in the 1830's, or Iowa State Penitentiary in the 1830's.

Mr. PHILLIPS. That is true.

There was a certain amount of lack of imagination on part of the people building those in those particular areas but we do have indications from the Federal Government that their institutions at Marion and the one at Morgantown are ideal, desirable, and they should serve as models for the rest of the country.

We do have good model institutions to follow. The fact that there are bad models I don't think should deter us from pursuing the good models.

Mr. VELDE. No. Well, you certainly have a point, I would agree with that, but I would caution against a major investment in institutional construction, particularly at the State level at this time when there are so many other, in my opinion, more pressing needs in the corrections community. Upgrading of personnel, alternatives to incarceration, the halfway house concept, the regional jail concept, which to some degree involve bricks and mortar, but principally it is making more manpower available, training, better training for existing manpower, and the establishment of new programs which show much more promise than the traditional institutionally oriented types of programs. And just because you have a new building doesn't mean you have got a new program to match.

Mr. PHILLIPS. Well, they tell us the old buildings are not capable of sustaining the program, that they lock them in, they inherit a building that is 200 years old, it has problems, doesn't have a kitchen, doesn't have showers, doesn't have toilet facilities that are current, and they say they are locked in and we can't even begin to start rehabilitative programs with the problems and tenseness that develops from the cells. We heard this week of terrible conditions in States like New York and Florida where they say their buildings are overcrowded, medical equipment isn't good enough, they don't have the facilities.

Mr. VELDE. Yes; but in my view when you look at the overall picture of the resources that are made available for corrections today, about \$1.7 billion is spent by the State, county, and local governments for corrections. Currently about 90 percent of this money goes toward what might be called confinement, institutional programs. Only about 10 percent goes for community-based programs or alternatives to incarceration, and yet we know today that only about one-third of those defendants who are sentenced by the criminal courts are ever institutionalized.

In other words, 90 percent of the money spent for corrections is to support one-third of those who are convicted by the criminal courts.

In other words, 10 percent goes for the two-thirds who don't go to prison or to jail or what-have-you.

The CHAIRMAN. Two-thirds who are convicted but don't go to jail?

Mr. VELDE. That is correct.

The CHAIRMAN. Is that the percentage of convicted people generally who don't go to jail?

Mr. VELDE. Yes, sir; that is the national figure, the overall figure.

The CHAIRMAN. Two-thirds?

Mr. VELDE. Who are sentenced do not.

The CHAIRMAN. They are allowed to stay in the community or under probational programs.

Mr. VELDE. Yes, sir.

The CHAIRMAN. I didn't realize it was that great. Is that true of the State system as well as the Federal?

Mr. VELDE. Those are the State and local numbers. I was not talking about Federal. In fact, in Mr. McGrath's jurisdiction in New York City, only about 7 percent of those who are convicted are institutionalized. Seven percent in large cities. This is generally the case.

Mr. PHILLIPS. I think that only applies to minor infractions.

Mr. VELDE. That is misdemeanors and felonies.

The CHAIRMAN. Would you have the same figures for felonies?

Mr. VELDE. Yes, sir; I think we could break them out. But in the county institutions and the local city jails, in holding detention facilities, the big bulk of the inmates have been convicted of misdemeanors, not felonies. So when you talk about inmates in institutions, the big bulk of those are not felonies, have not been convicted of felonies.

The CHAIRMAN. If you could get us the figures for felonies, comparable figures for felonies, I would be very pleased to have that.

Mr. VELDE. We would be glad to supply.

The CHAIRMAN. If you would send them over to my office, I would be glad to have them.

(The following information was received by the committee:)

According to the LEAA Statistical Division, the only figures available are from a study conducted in 1965. According to that study, 39 percent of convicted felons received a prison sentence, 21.5 percent received a jail sentence, and the remainder were placed on probation or fined.

The CHAIRMAN. Mr. Blommer has a question.

Mr. BLOMMER. On Tuesday, the Commissioner of Corrections of New York, Mr. Oswald, testified, and the question of how much Federal money was going to New York for corrections came up, and he, I am sure, has someone with more expertise and craftsmanship handling all of this for him, wasn't able to exactly pinpoint where the money came from. I won't ask you to go into all of that, but one item I wish you would explain. He said that \$1.6 million in Federal money that he believed came from LEAA was to be used to buy better uniforms for the guards, and Mr. Wiggins questioned whether if that was part E money, whether the intent of part E money, whether that money should be used for better uniforms for the guards. I wonder if you could explain that a little more fully.

Mr. VELDE. Yes. Among the States, for the last fiscal year New York State ranked second, I believe, or third, at least, in the top five as far as the share of part C funds being made available for corrections. It

was about 45 percent, perhaps a little more than that; 45 or 46 percent of the total block grant for New York State went for corrections.

Now, we do have a detailed breakout of those amounts that New York State has devoted for block grants, not only fiscal 1971 but fiscal 1970 as well. We can supply that for the record. There was a \$1.9, not \$1.6, but \$1.9 million New York State block grant under part C that went for a variety of purposes, including as I understand it, clothing for inmates as well as guards. It was spent for other purposes, too, but institutional improvements of one kind or another. If the committee wishes, we would be pleased to get the details on that grant and supply it for the record. That is all the general information I think we have available on the grant at this time.

Mr. BLommer. I think we would like that for our record. Thank you.

Mr. VELDE. All right.

(The following information was subsequently received:)

Mr. Jewels Tesler of the New York SPA stated that from block grant funds, \$1,903,784 was awarded to the New York State Department of Correctional Services for inmate clothing; \$1,880,034 is to be spent on basic clothing; and the balance is to be spent on name-tape machines and name tapes. This award is effective January 1, 1971.

The CHAIRMAN. I am informed the MDTA program, which has been an excellent program at one of our correctional institutions in Florida, Appalachia, is to be cut out at the end of this year, so we are not going to be able to have that program any further. Is there any suggestion you can make as to how we can retain that program?

Mr. VELDE. I believe that is a Labor Department program. I am, of course, not privy to the 1973 budget requests of the Department of Labor, so I couldn't give you a specific response to whatever funding requests the Department of Labor will submit to Congress in January for that purpose. I do know of some plans, however, to expand very dramatically in the Department of Labor funds to be available for correctional manpower programs. Whether or not it is this specific program or called by another name, I couldn't say offhand. I am just not that familiar with the Labor Department programs.

The CHAIRMAN. Anything further you have to add, Mr. Velde? We will be in further contact with you because we want to make some recommendations in our report on this subject.

You generally are of the opinion that it is better put to use by LEAA in respect to the things that pertain to the criminal justice system that are already functioning in that area?

Mr. VELDE. Yes, sir.

The CHAIRMAN. And you can bring in personnel to your agency that have knowledge about various programs that will enable you to deal with the various programs?

Mr. VELDE. Yes, sir. But may I say, Mr. Chairman, if I understand the intent of your question, LEAA is certainly not looking to absorb other Federal programs. We have our hands full administering the program as it now exists and I would think that although the administration generally is in favor of consolidation of these grant programs, certainly as far as I am concerned personally we have our hands full right now and we are not hunting for new business or not trying to build our empire.

The CHAIRMAN. Well, thank you very much.

Mr. VELDE. Thank you, Mr. Chairman, and again it is always a pleasure to be here.

The CHAIRMAN. You say you have about \$116 million this year under part E funds that could be used for construction?

Mr. VELDE. Well, no; the total part E appropriation for the current fiscal year is \$97.5 million. We estimate that the part C funds this fiscal year will be more than last year. Well, it was \$110 million last year and assuming the same share for the current fiscal year, it should be about another \$15 or \$20 million which would go for corrections or a total of \$225 or \$250 million for all correctional programs.

The CHAIRMAN. The reason I asked that question is when we met with Governor Rockefeller in New York prior to going to Attica he estimated that it would take at least \$200 to \$250 million to modernize the penal system, the physical structures which are a part of the penal system of New York State. So that the amount of money that the Federal Government is now making available can have only a very minor impact upon changing the physical structure of the penal system of this country; can it not?

Mr. VELDE. That is correct. As I indicated, Mr. Chairman, in my prepared statement, we estimate that it is going to take anywhere between \$12 and \$15 billion to modernize the facilities.

The CHAIRMAN. Well, now, instead of rebuilding a whole State prison that would be needed because the old one is too large and too unmanageable or unadaptable, what about beginning to decentralize these big systems that we now have and build facilities, as the correctional head of our State was talking about yesterday, in the urban areas. Attica, for example, is a relatively rural area and they have 2,200-odd inmates there. Instead of rebuilding Attica or building an entirely new institution, couldn't you begin to build buildings in New York City and Buffalo and Rochester and various cities that would provide for 100 or 200 or 300 or 400 people? I know it would increase administrative cost to do that. Wouldn't that be a way of pulling these big institutions apart and providing new facilities at the same time?

Mr. VELDE. Yes, sir; and that is completely consistent with current LEAA policy to encourage replacement of these huge warehouses, and that is all they are, whether built 5 years ago or 200 years ago, with the smaller institutions closer to the community, not in the community itself.

As you know, there are great difficulties in placing community-based corrections programs in the community because their neighbors by and large don't want them.

The CHAIRMAN. Well, that is a problem we have with public housing projects as well.

Mr. VELDE. As well as penal institutions. We are having a big squabble in my area and they are having it all over the country. People better off don't want the poor people. Even though the structures they would live in are credible structures they don't want them put into their neighborhoods.

Even in the rural areas, Mr. Chairman. I am a named defendant in a case that has just been decided by the fourth circuit court of appeals in which the State of Virginia had plans to build a new State insti-

tution in a rural area that has been declared a historical area and the community there does not want it located there, so it is not just the urban areas where we have problems, rural areas, too.

The CHAIRMAN. One last question.

Do you believe that a significant number of mentally disturbed individuals are being sent to prison for lack of institutions for treating the so-called criminally insane and is LEAA making funds available for such facilities: are States making applications for such facilities?

Mr. VELDE. Well, there have been some that I consider reliable estimates that anywhere between 10 and 15 percent of the average inmate population consists of individuals who are seriously mentally ill and who are a threat to their fellow inmates.

The CHAIRMAN. What percent was that?

Mr. VELDE. Somewhere between 10 and 15 percent. This was a Federal Bureau of Prisons estimate in justifications of its psychiatric research center at Butner, N.C. There have also been British studies which indicate similar percentage. Whether it is 10 or 15 percent it still amounts to a very substantial amount of the inmate population and by and large our correctional facilities are not equipped nor are the custodial forces trained to deal with this kind of problem and it is just simply a question of these individuals getting into the criminal process because there is no reasonable alternative.

Of course there has been a substantial program in the mental health area, a Federal program now since the early 1960's, to build up community-based mental programs, and I think there are now well over 400 of these facilities around the country, but this still does not deal with this seriously mentally ill person who as far as we know now has to be institutionalized.

The CHAIRMAN. Thank you very much.

Mr. VELDE. Yes, sir.

The CHAIRMAN. We would be glad to have you stay if you will, because we at long last get to Dr. Fogel.

(Mr. Velde's prepared statement follows:)

PREPARED STATEMENT BY RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE

INTRODUCTION

Thank you, Mr. Chairman, for this opportunity to discuss the Law Enforcement Assistance Administration's work in the field of corrections system improvements.

I think it might be helpful to begin with a brief review of the overall LEAA program, so that corrections efforts can be seen in their most accurate perspective.

In 1968, the Congress responded to the problem of crime and the need for criminal justice system improvements by passing the Omnibus Crime Control and Safe Streets Act. The new legislation initiated a national effort to combat crime by giving financial and technical assistance to State and local criminal justice agencies. The objectives of the bill are:

"To assist State and local governments in reducing the incidence of crime, and to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems . . ." This is to be accomplished by:

Encouraging State and local governments to develop comprehensive law enforcement plans based on specific needs and problems in each locality;

Awarding Federal funds to State and local governments for programs to improve and strengthen law enforcement;

Encouraging research and development directed toward the improvement of law enforcement and the reduction of crime.

As State and local governments bear the primary responsibility for law enforcement, the LEAA program was designed to honor this principle. Most of LEAA's budget is awarded in block grants to States, which set their own priorities and devise their own programs.

PLANNING

With the help of a block planning grant from LEAA, each State annually draws up a law enforcement plan in cooperation with its city and county governments. The plan must be comprehensive. That is, it must contain programs to improve the entire criminal justice system—police, courts, and corrections. It also must provide for adequate assistance to high-crime areas.

The plan is prepared by State criminal justice planning agencies, which were created in each of the 55 jurisdictions eligible for LEAA assistance. To insure local involvement in the planning process, each State must make at least 40 percent of block planning funds available to local government units. This requirement may be waived in States where the bulk of responsibility for law enforcement rests with the States rather than with local governments or where adherence to the 40 percent formula would not contribute to the efficient development of the State plan.

LAW ENFORCEMENT IMPROVEMENT GRANTS

When LEAA approves the comprehensive plan, the State receives its block action grant to implement the specific improvement projects.

The block grant concept is the keystone of the LEAA program. It insures that Federal aid will not bring with it Federal domination and control of State and local governments which, under our constitutional system, bear the basic responsibilities for law enforcement and crime control.

LEAA also awards action grants directly to States, cities, counties, and other recipients. These discretionary grants represent 15 percent of the total action grant budget. LEAA uses discretionary grants for projects with national implications and for special problem areas such as urban crime. A major portion of LEAA's discretionary funds has gone to the Nation's largest cities to help them deal with pressing crime problems.

For most action programs, the Federal share may be up to 75 percent of the cost of the project with States providing the remaining 25 percent. LEAA will pay up to 50 percent of the cost of construction projects. The Federal share for correctional facility construction or renovation may be up to 75 percent.

States are currently required to make at least 75 percent of the block action grant available to local governments. As of July 1, 1972, this will be modified to require that funds passed through to localities must be in proportion to local expenditures for police, courts, and corrections.

Before turning to a discussion of corrections problems and details of LEAA corrections improvement programs, I would like to take a few minutes to discuss the new part E of the Act.

As you know, part E was proposed by President Nixon as a unique and valuable new tool to speed the process of corrections reform throughout the Nation, and Congress enacted it last January.

It is a catalyst for progress at the State and local level, and touches upon every important aspect of corrections improvement.

THE NEW PART E

This LEAA amendment is extremely important because it expands and strengthens our program to provide more assistance to States and localities. And the new part E has especially far-reaching implications. The amount appropriated by the Congress will be equal to at least 20 percent of the amount appropriated for part C programs—all other police, court, and correctional programs. Moreover, States must use the part E money to supplement other efforts financed by LEAA's grants made with part C funds—not as a substitute for part C correctional programs.

In addition, applicants for part E grants must satisfy requirements in the law to assure that priorities are observed. The highest priority is on community-based programs, and applicants must provide satisfactory emphasis on such programs as halfway houses, diagnostic services, probation, and other supervisory release programs for delinquents, youth offenders, and first offenders. Applicants for cor-

rectional construction funds must show evidence that they are using advanced design techniques; that there is special provision to treat alcohol and drug abusers; that juveniles, adult women, and adult men are separated; and that where feasible there will be regional or multistate facilities. There is also a special requirement that the architectural design provide for appropriate treatment programs—and LEAA under its technical assistance program has provided some special aids relating to this requirement.

Fifty percent of the part E funds is distributed as block grants to the States on the basis of population and the remaining funds are distributed by LEAA as discretionary grants to State and local units of government.

In addition to the priorities I mentioned, part E programs also must include: A comprehensive statewide improvement program for facilities and correctional programs and practices.

Assurances that part E funds will be administered by a public agency.

Improved personnel standards and recruiting and training programs.

In fiscal 1971, part E funds totaled some \$47 million.

In fiscal 1972, part E funding for corrections will amount to almost \$100 million. Both the magnitude and nature of this commitment—plus other LEAA correction funds—offers hope that the national corrections systems will eventually accomplish what its name implies. That is, to turn out offenders who are in fact rehabilitated, and both willing and able to play a constructive role in society.

The part E funds totaled \$47.5 million for fiscal 1971, and a survey of the awards shows that they will be used for these purposes:

\$12.7 million for probation and parole;

\$12.1 million for institution planning and construction;

\$5 million for institution renovations;

\$3.3 million for personnel recruitment and training;

\$12.3 million for community based programs; and

\$2 million for planning, administration, and other programs.

ONE ASPECT OF THE PROBLEM

The report of the Senate Judiciary Committee on the Omnibus Crime Control Act of 1970 notes that:

"Of all the activities within the criminal justice process, corrections appears to offer the greatest potential for significantly reducing crime."

One of the reasons for that statement is the fact that approximately 80 percent of all felonies are committed by people who have come in contact with the law earlier. Furthermore, roughly two out of three men released from prison are in trouble with the law again within 6 years according to an FBI study.

The Senate report also noted the dismal past condition of the American corrections system, commenting:

"Ironically, it has been the most neglected component of the system, principally because of the very high cost of building or renovating prisons and other correctional facilities."

Modern prison building costs come to about \$15,000 to \$20,000 per prisoner. Since little is known about how to build an ideal prison, or even about the prison programs which actually contribute to rehabilitation, a wholesale building program—which would cost billions of dollars—is hardly the answer.

JAILS—ANOTHER PROBLEM

Certainly there are jails and prisons that need to be replaced or extensively renovated. The first national jail census, an LEAA project carried out by the Bureau of the Census in 1970, comprehensively cataloged the shocking conditions and characteristics of our Nation's jail system.

The census showed that more than one-half of the inmates of these institutions had not been convicted of a crime but were either awaiting trial or were being held for other authorities. These jails held more than 160,000 prisoners, almost 8,000 of whom were juveniles.

Of the 3,000 jails in cities and counties of more than 25,000 population, 85 percent had no recreational or educational facilities. Fifty percent had no medical facilities, and 25 percent had no visiting facilities. More than 25 percent of the cells were in buildings more than 50 years old and 6 percent of the cells were in buildings more than 100 years old.

The 1970 estimate of LEAA is a total inmate population of some 413,000 persons, including about 200,000 in adult felon institutions, 163,000 in correctional institutions for misdemeanor offenses, and 50,000 in public juvenile institutions. The total cost of corrections, including some 800,000 persons on probation and parole, is about \$1.7 billion a year.

PRISONS AND THEIR PROBLEMS

The recent tragedies at San Quentin and Attica, make it especially timely that the Nation redirect its attention to one of its most pressing needs.

For one thing, the two disorders demonstrate the need to better protect prison workers; for another, it shows the need to do something about conditions inside prison walls that operate to trigger revolts.

That is, San Quentin and Attica typify the problems that beset American prisons today. Part of the difficulty is that the country has not been willing to commit the resources necessary for prisons to use the available knowledge about the best ways in which to handle inmates.

Another complicating factor is that as community-based programs become more common, those prisoners who are left behind bars become more exclusively the hard-core criminals who are too dangerous to be on the streets.

This means that there will have to be a substantial upgrading in the quality and the training of corrections officers to enable them to more effectively cope with trouble when it arises.

There also is a need for more effective rehabilitation programs in the prisons.

CORRECTIONS AND CRIMINAL OFFENDERS

There is little doubt that upgraded correctional institutions can do more than just about anything else to significantly reduce crime in the long run.

As I mentioned earlier, it is known that approximately 80 percent of all felonies are committed by men who have been in trouble before, and about two out of every three men released from prison are arrested again within 6 years. If these offenders had been really rehabilitated during their prison terms they would not be causing so much crime, and the total number of offenders would begin to decline.

Nonetheless, too little is known about what it is that makes an ideal prison, or even about which prison programs do, in fact, contribute to lasting rehabilitation.

But it is all too clear what doesn't work.

For one thing, the deplorable condition of America's jails has an enormously adverse influence on the juvenile offenders in those lockups. Anyone who has first-hand experience with what these institutions are like will begin to have some insight into the problem of juvenile recidivism.

The policemen, judges, probation and parole officers, and corrections workers who deal with young people are among the most dedicated and the best educated in the criminal justice system. But shackled with outmoded procedures and hampered by the lack of funds, it is not surprising that they have been unable to cope successfully with the rising tide of youth crime.

It may sound harsh to say it, but the evidence shows that involvement with the juvenile justice system often increases the youth's chances of being returned to that system.

Some States have virtually no probation services for juveniles. In one, 60 percent of its youthful offenders are committed to institutions without prior experience on probation. In another, the lack of juvenile probation services forces the courts to depend heavily on the State adult institutions.

PUBLIC AWARENESS

Many of the thoughtful citizens of this country already know how bad things are in these jails and penitentiaries, and they are fed up with the problems. They are demanding changes. They want an end to long, dismal era of locking up offenders and forgetting about them. They don't want teenagers shut up with hardened criminals and adult homosexuals. They don't want armed inmates serving as prison guards. They don't want inmates to be backed into cells like animals.

The citizens don't like prison riots, especially when they suspect the disturbances have been triggered by inhuman conditions, such as rat bites, roaches in food, filth, and brutality.

The citizens are tired of prison failure. Instead, they want offenders to leave correctional institutions with good chances for success in normal community life. They want programs that provide offenders with remedial education and with the occupational skills for becoming law abiding citizens rather than professional thugs.

For many years corrections and juvenile delinquency experts have been saying that if they had the money and other resources they could begin to curb the crime problem in this Nation.

As of now, corrections and juvenile delinquency programs are beginning to get that support, and the money is starting to flow in significant amounts for the first time in American history.

No funds are being awarded to create a country club atmosphere for offenders. But there is an emphasis on developing humane conditions for inmates—conditions conducive to effective rehabilitation.

LEAA'S FUNDING PATTERNS

Funding for LEAA has increased sharply in the 3-plus years the agency has been operating. For fiscal 1969, the total budget was \$63 million; in fiscal 1970 it was \$268 million; in the fiscal year that ended last June 30 it was \$529 million, including the part E appropriation we received in May. The budget for fiscal 1972 is over \$698 million—10 times our first-year budget.

During the past 3 years, corrections has received a substantial amount of our funds. This funding has been stimulated and prompted in large part by the LEAA.

As you know, the bulk of our funds goes to States in block grants. Early in 1969, when we received States' applications for these grants and their first state-wide criminal justice plans, we became properly concerned about the level of corrections funding.

I think there was an early feeling by some that LEAA was basically a police program. Police needs were, as a matter of fact, very urgent, and possibly more easily documented at that time than the needs of correctional or court systems. So, of the 1969 funds, only about 13.5 percent of our block action funds—\$3.6 million—went to corrections.

Frankly, there was a lack of commitment to the needs of corrections in fiscal 1969. However, we began at that time to improve corrections funding, urging the State planning agencies to give more emphasis to corrections. In some instances, we approved the 1969 plans only on condition that more would be done in 1970.

Our efforts paid off. Out of some \$180 million in block action funds for 1970, the States committed about \$50 million to corrections. LEAA also financed another \$9.6 million in programs from our discretionary and technical assistance funds, so that a total of \$59 million went to corrections. In addition, another \$9.2 million was committed to juvenile delinquency prevention programs.

For last year—fiscal 1971—the total amount spent for corrections was about \$177.6 million.

The breakdown of that overall spending shows that \$110.8 million of the corrections funds came from LEAA's block action grants to the States—or about 32 percent of the total block funds. Another \$19.3 million went to corrections from the LEAA discretionary funds. And the part E funds for corrections totaled \$47.5 million.

Since the States have not yet submitted their fiscal 1972 action plans, it is impossible at this point to precisely list the block action funds they will devote to corrections.

However, on the basis of a recent study, it appears reasonable to believe that as much as \$124.1 million will be used by the States from their block grants for corrections—or 30 percent of the total block action funds. The new part E funds and the regular discretionary grants are expected to swell the total for corrections spending to some \$226.6 million for fiscal 1972.

LEAA OBJECTIVES AND PRIORITIES

LEAA's corrections system funding objectives are set out concisely in the 1971 fiscal year funding program. Though I have touched upon many of them, I think they bear repeating:

(1) The development of community-based programs, with particular emphasis on juvenile and youth offenders;

- (2) The improvement of probation, parole, and institutional programs;
- (3) The marshaling of the resources of the private sector in providing new vocational and educational opportunities for the public offender;
- (4) The expansion of the use of halfway houses and group homes;
- (5) The replacement of outmoded jails with community and regional correctional facilities;
- (6) The establishment of regional training centers for correctional personnel;
- (7) Research to develop a base of knowledge to make possible the innovation of new and more effective correctional programs; evaluation of promising new departures by Federal, State, and local correctional agencies;
- (8) The development of architectural guidelines for community and regional correctional centers, juvenile and youth facilities, and prisons;
- (9) The development of specialized treatment programs and regional facilities for female offenders, violent offenders, addicts, and the mentally disordered offenders; and
- (10) The coordination of all Federal programs which provide assistance to State, county, and local corrections agencies.

For the past 3 years, the entire LEAA corrections program has been characterized by a common theme—the encouragement and development of programs which use resources of the community and the private sector to rehabilitate offenders.

Now one important reason for this is that most jails, prisons, and institutions for offenders are in a deplorable condition. Many are in no shape for new programs and it would be unrealistic to pretend otherwise. Some are too overcrowded. Some have no space for innovative treatment.

Do we tear all those institutions down and build new ones? The price tag—say many correctional experts—would be at least \$12 billion. And it would take a good many years to plan, design, and construct new ones. Also, we need to know more than we do now about the kinds of institution-based programs that work best.

And so the major LEAA focus is on community-based programs and alternatives to institutions. And if these are successful, we might in the long run find we need not build so many new facilities.

Meanwhile, LEAA funds will finance a substantial amount of construction and renovation throughout the country. The granting of these funds is being done with infinite care, following requirements which Congress wisely set out in the part E legislation. We must make certain that the best possible programs are literally “built into” the buildings. LEAA funds are a catalyst for change.

These millions of dollars mean that correctional administrators—for the first time in many jurisdictions—are frankly and urgently pressing for change. They are documenting their needs, with new confidence that those needs will be met. They are not voices in the wilderness any longer. They need not be.

These millions of dollars are financing thousands of projects. Take any State and we see LEAA funds at work, and to cite over a few:

Kentucky has begun its first organized prerelease program for prison inmates.

Arizona has begun treatment programs in county jails.

Michigan is developing a model program—a million dollar program to treat young offenders in community-based programs.

Missouri is opening 12 new community treatment centers for offenders and ex-offenders and 36 group homes for juveniles.

Louisiana is building a State institution for women and two multiparish centers for offenders.

Indiana has opened two new regional centers for juveniles in the past 2 years and will open four more.

Florida is implementing a major probation program for juveniles directed by the State.

Those programs are only a fraction of the whole picture.

Last fiscal year LEAA put over \$2 million into job training and placement programs operated by private industry.

In the past 2 fiscal years LEAA furnished expert consultants to States and local governments—over 700 consultations—on correctional programs and construction.

LEAA began offering—to any State, city, or county—the advisory services of the National Clearinghouse for Correctional Architecture of the University of Illinois. This new clearinghouse was created at LEAA's request and with its financial backing.

As I mentioned earlier, LEAA financed the 1970 National Jail Census—the first ever made in this country. Now, for the first time in history, the Nation has accurate information on the number of jails, their capacities, programs, populations. This kind of data is imperative for proper planning and budgeting.

Moreover, LEAA now has underway a national prisoner survey, a juvenile institution survey, and a continuing prisoner statistics survey.

LEAA has made direct grants to cities and counties to finance community treatment centers, narcotics and drug treatment, job placement, juvenile probation, work release, group homes, rehabilitation of alcoholics, halfway houses, volunteer aid programs, psychiatric care, and a host of other offender rehabilitation efforts.

Under LEAA's manpower development program, 14,000 students are enrolled in corrections education studies at colleges and universities throughout the Nation.

And LEAA's research arm, the National Institute of Law Enforcement and Criminal Justice, is evaluating the effectiveness of jail programs, groups therapy, halfway houses, work release, prison industries, and other State and local efforts.

The institute also is financing an evaluation of the California probation subsidy program; a nationwide evaluation of juvenile corrections; and the development of model parole programs.

That is only a quick thumbnail sketch of some of the programs, technical aid, and research that are focused on corrections.

And more is being planned for the future. Two months ago, LEAA funding created the National Advisory Commission on Criminal Justice Standards and Goals—directed by Delaware Gov. Russell W. Peterson—to carry out a complete survey of the Nation's criminal justice system. There are 12 task forces, including one on corrections. This Commission will establish—for the first time—national goals, performance standards, and priorities to help every criminal justice planner in the Nation—and the agencies. It is certain there will be far-reaching benefits for corrections.

Another event of enormous significance is the National Conference on Corrections which opens Sunday at Williamsburg, Va.

We will rely heavily on the conference's findings and recommendations in our future corrections efforts.

TECHNICAL ASSISTANCE

Nearly 2 years ago, LEAA formed the National Advisory Task Force on Correctional Architecture. This nine-member group includes architects and correctional experts.

The task force decided LEAA should develop its program around four elements. They decided we need to know what is wrong with present facilities; that we need more basic research on corrections; that we should offer special technical assistance; and that we should develop aids on planning and design of programs.

Consider the four elements:

(1) What is wrong with present facilities? It's a good question but one that is seldom explored by architects and their customers after various types of buildings are completed and are being used. Is the customer satisfied with the construction? Does the design serve its function? LEAA decided that a critique of this kind, on prisons, is highly important. So we approached William Nagel who is the executive director of the American Foundation and who was formerly an associate warden in New Jersey. He became interested, and as a result, he is conducting an extensive critique of prisons—a nationwide effort which will be completed during the coming year.

(2) The second element is the sponsorship of basic research. Much more needs to be done. We need to find out the influence that a manmade environment, such as an institution, has on man himself. We need to know how large an institution should be. How many inmates should it house? LEAA will step up its basic research.

(3) The third element is technical assistance, which LEAA increased considerably in the past year, providing consulting services on corrections to State and local governments. We have had help from the Federal Bureau of Prisons, which last year placed technical assistance coordinators in our regional offices, so that we are establishing a good capacity in this respect. We are also funding the preparation of standards for the operation of different types of correctional programs—halfway houses, work-release programs, volunteer programs, probation,

classification, and treatment. The American Correctional Association is preparing a new manual of correctional standards for the operation of total corrections systems.

(4) The fourth element in the LEAA program pertains to the new guidelines.

The development of the guidelines was begun well before the enactment of the 1970 amendments with the part E provision and requirements. In fact, they stem from LEAA's earliest experiences when we began receiving applications for correctional construction. These proposals shared a distressing trait: a reliance on design concepts inherited from the early 1800's. We asked: Why not get behavioral scientists together with architects and combine their thinking?

LEAA wanted guidelines that would focus on the creation of a new kind of correctional institution—one that would help, not hinder, the goal of re-socializing offenders; one that would help, not hinder, a correctional staff in conducting good treatment programs. We wanted community-oriented emphasis; a melding of socioenvironmental knowledge with the architectural.

We asked the Department of Architecture of the University of Illinois to produce the guidelines for adult facilities, and the Department of Architecture of the University of Pennsylvania to produce the guidelines for juvenile facilities.

We asked both project teams to develop guidelines that would be so practical, so useful, that applicants would be highly motivated to use them fully, rather than use them only to satisfy the requirements in our law. And that is what we now have—judging from the many favorable comments we have received from correctional administrators, national agencies, foundations, and architects who have already studied the Illinois product, and from what I have seen of the Pennsylvania product.

Of course, they are extremely important because of their relationship to the statutory requirements for part E funding. These requirements range from satisfactory emphasis on community-based programs to the use of advanced techniques in institutional design. So if LEAA receives an application which assures us that the guidelines have been employed, then the requirements of our law will be satisfied. In fact, we will apply them to part C correctional planning and construction. In recent months, LEAA attached special conditions to a number of discretionary grants, requiring grantees to consult our committee and to employ the guidelines before spending Federal funds to construct or renovate or to prepare architectural designs. For example, we attached these conditions to a grant for a regional criminal justice center in the Birmingham, Ala. area, and to a grant for the public safety building that will serve Rockford and Winnebago County, Ill. In both cases, the facilities will service police and corrections.

We have distributed the guidelines widely, through the State criminal justice planning agencies, and directly to architects and correctional administrators. And as experience is gained in using them, LEAA expects they will be modified. Further experience with them will probably add new ideas and may suggest a shift in priorities.

At LEAA's request and with its financial backing, the University of Illinois has established a national clearinghouse on correctional architecture, which is now able to provide any individual or agency with expert technical information.

In addition, LEAA will send out teams of technical experts to help State and local correctional institutions examine their problems, to give advice, and to provide assistance in solving difficulties.

LEAA runs this program in cooperation with the U.S. Bureau of Prisons, the American Correctional Association, the University of Georgia's Institute of Government, and the American Justice Institute. This makes it possible for LEAA to employ a complete survey team of corrections professionals—an architect, a food service specialist, a management expert, and other technical personnel—in any prison system that asks for help.

LEAA expects to respond to about 600 requests for such assistance this year and is fully prepared to expand these resources if the volume of inquiries increases.

CONCLUSION

Time does not permit me to mention any more of the hundreds of corrections-related programs which are going on throughout the country. I hope this summary, however, has given you some idea of where LEAA has been and where it is going.

I am highly enthusiastic and highly optimistic about the future of corrections.

Often in the past, governments have not made available funds at a level that matched such dedication. But that all has ended now. Funds are available, in great and growing amounts, for a variety of enlightened and responsible corrections programs. And there obviously is a great and growing interest on the part of the public for real improvement in corrections, as well as in other parts of the criminal justice system. Finally, as I have mentioned, there is a real commitment for corrections improvement on the part of the Federal Government, and indeed the President himself has led in this area.

An unparalleled opportunity for more improvement now exists. I believe there can be staggering achievements within the corrections system within the next few years, and we must work even harder than we have in the past to bring them about.

The CHAIRMAN. Dr. David Fogel is the newly appointed commissioner of corrections for the State of Minnesota. He formerly served as chairman of the sociology department of Laney College in Oakland, Calif.

Dr. Fogel has authored many publications on law enforcement and administration of justice. Westinghouse Broadcasting featured his group therapy and sensitivity training program activities on a TV special on crime in 1970.

He believes that the least fruitful way of dealing with crime is through the traditional criminal justice system. The real causes, he says are such factors as poverty, racism, and inadequate housing and educational opportunity. Dr. Fogel has stated that "The greatest innovation that the lawyers could pull off would be to decriminalize law—put the drug scene, medical problems, and alcoholic problems where they belong—with the medical profession. Prisons are a failure. They don't work, never did."

Dr. Fogel was the first convict to wear a beard in Minnesota—he went into the State prison as a convict when he first became superintendent. He is establishing a telephone-out system; allowing 5-day furloughs—which he says is a much better way to dignify conjugal visiting—and allowing a convict football team to go outside the walls and play ball. He has other ideas in regard to training for correctional officers and the establishment of alternatives to prison within a community setting.

Dr. Fogel, would you like to put your statement in the record and summarize it or would you want to read your statement? Which would you prefer?

STATEMENT OF DR. DAVID FOGEL

Dr. FOGEL. Mr. Chairman, I would just as soon you place it in the record and I can summarize it.

The CHAIRMAN. Very well. Without objection, Dr. Fogel's statement will appear in the record at the end of his testimony. Doctor, we are delighted to have you. You have some very innovative ideas we are interested to hear.

Dr. FOGEL. Thank you. It is a privilege and honor for me to appear before this distinguished committee.

I have included in my statement an important disclaimer about Minnesota which I do not take to be a prototypical State with its problems in corrections. I went to school at Minnesota. In fact, I went to

school with the man right next to me and left for awhile and came back.

The CHAIRMAN. Now long have you been commissioner in Minnesota?

Dr. FOGEL. I was appointed at the end of March and flew back and forth until June and with my family since June of 1971.

The CHAIRMAN. You have lasted since March. I want to commend you.

Dr. FOGEL. You know what has helped me, paraphrasing Warden Laws of Sing-Sing, a convict once told him the quickest way out of Sing-Sing is to come in as warden.

I find that in Minnesota there is a deliberate intention of Governor Anderson to do something about correctional facilities and the entire correctional program, so it is also a bipartisan program and I don't feel yet, unless I am on an extended honeymoon, major impediments at the moment. There are plenty of problems to be sure.

We have been able to, in a relatively brief period of time, come up with some moderate reforms like mail censorship following the Ohio model. And citing Admiral Zumwalt's directive to naval personnel, I am a veteran, we let our prisoners grow long hair and beards and didn't find the world came apart. And following the lead of the best in other jurisdictions we are currently embarked on programs to install telephones in cellblocks to give prisoners a chance to maintain contact with family and friends. Expanding visiting programs. We will shortly have individual transistor TV sets in cells at prisoner expense. And we have already alluded to our first in history football game outside of the walls, which we won by the way.

We also lifted the ban, administrative ban, on hiring ex-convicts into our adult corrections system and we have successfully recruited the first minorities in that division too.

We even have a group called CAGE, Convicts Associated for Good Environment, people involved with the pollution control agency, and they have done an enormous study pointing out the town's major polluter is the prison, and pointing out thousands and thousands of dollars of waste.

Our legislature has also provided the department with important tools like a newly enacted 5-day furlough program for prisoners, a community corrections act to stimulate the private sector.

We have an outstanding example of that at Rochester called PORT, Probation Offenders Rehabilitation Training. We also have a regional community correctional center plan for adults, and juvenile detention and treatment facilities underway in two regions in the State. The ground was broken for one and it will be finished in the Northeast, that is the Duluth area in about February.

A county group home subsidy act will see 400 new beds and we are currently negotiating with St. Paul model cities for the operation of a halfway house using LEAA funds.

Drunkenness is no longer a reason for jailing as of July of this year in the State of Minnesota.

I think we can be a little bit inventive and prudent risktakers in the State in this kind of atmosphere.

I also looked forward to the end of the bastille prison that we have but I know that we will need to have "turnaround" time and we will

need to make better sense of the management of the large institutions until we are operating in smaller, modern rehabilitation centers with staff which have related and appropriate training.

However, I don't think it is simply a question of replacing 200-year-old institutions with newer or immediately obsolete ones in the way of 1,000-bed bastilles. What we need, probably, is a mixed strategy. We have to humanize and modernize while we plan the new, otherwise I feel the plans for the new will never survive the fears accompanying continued riots in the outmoded system.

I take the correctional officers to be the central factor in the whole drama of turnover, turnover from the old system to new, and in my prepared statement I have spent a few pages pointing out the dilemma of the correctional officer. Either we look at him as a Neanderthal type or enlist him as an agent of change where he finds a new dignity for himself, too.

It was way back in 1870 at the first National Prisoner Congress that a speaker pointed this out when he said the training of the correctional officer is the reform which needs to precede all other prison reforms for it contains in it the seed of all else as surely as the acorn contains the oak.

Of all the disciplines in a prison the correctional officer has the toughest hours, the most hazardous work style, is closest to the convict, has the least status, prestige, and recognition from both his colleagues and the public. Compound these indignities further by his being the lowest paid among correctional jobs and least educated, and an image begins to emerge.

At age 55, after 25 years of service, he is now least able to carry the job. We are going to now put him in the greatest jeopardy at age 55 to 65. A number of States have got early retirement. In Minnesota it would mean a third of the staff, of correctional officer staff, would leave and make room for younger men. I don't believe and I am sure you are up to your necks in testimony about the fact the prisons do not work. I want to concede that right away. But I also don't think they work if you throw in a few clinical appendages. I don't think that makes a treatment program. We are trying to figure out a way to come up with a model that will make the prison a safe and sane place to live and work while we plan the orderly end of this antiquated institution, the fortress prison, as Jerris Leonard refers to it. For the lack of a better name, I am suggesting a justice model, and this is based on the notion that maybe the best way to teach non-law-abiding folks to be law abiding is to treat them in a lawful manner, to surround them with the majesty of the law rather than to deny them their resource at the very time we are trying to teach them respect for the law. This is the opportune time, I think, because the "slave of the State" notion in the court has been eroded. So has the "hands off" judicial doctrine in relation to penal administrators and either the courts are going to run the prisons or prison administrators can get a few jumps ahead, but in any event we have had low visibility for a long time.

As I said, I do believe that correctional administrators can operate the prison better, and I do agree with Mr. Velde that we are finally coming out of our self-imposed solitary confinement of the last two centuries, telling the story like it really is and asking for public assist-

ance. We should teach convicts how to use the law to change themselves. You already know that I went into the prison one day in uniform as a correctional officer when I was appointed and 3 days as a convict. I appeared before a disciplinary board myself, having been forewarned by an ex-warden I had two options as a defendant: to plead guilty or be found guilty. The model of justice would see due process built into determination of guilt for major rule infraction, civil legal assistance for the inmate population, an ombudsman system for the whole department of corrections, an up-to-date law library with a corps of inmates trained to operate it. All four of these programs are currently at one stage of funding or request in Minnesota at the moment.

Most all of them are LEAA requests, another one of them is civil legal assistance; I am sorry, that is LEAA, too. We just got that one.

We have a modified indeterminate sentence in Minnesota, a maximum but no minimum, except for murder, first degree. In a month we will—and we are doing the training for it now—initiate what we call contract programing, which will see prison classification teams, convicts and parole board negotiate contracts after the man's first parole appearance and after diagnosis. The contract will contain goals the inmate must reach before he can expect parole, but the further assumption will be that barring affirmative evidence to the contrary, he will be paroled when said requirements are met. We are hoping to reduce, not end but reduce, the frequency of caprice in parole decisionmaking where two people can come in at the same time for the same crime, and one goes home and one doesn't. I think we have one man in the 13th or 14th day of a hunger strike at Stillwater Prison for that very reason right now.

The legislature also provides us with what could become a new breed of correctional officer, the correctional counselor series it is called. Nobody will enter our system without 10 weeks of preservice training at the junior college level, and our first class will graduate in 2 weeks, 30 men and women, and because of the labor market we find 24 of that group of 30 have 2 years of college and more than six of them are college graduates. Half of them are minorities. The other 600 correctional officers in the system had already taken, anticipated the law, that would permit them to move over to correctional, reclassify, to correctional counselors and on their own time, with LEAA assistance, took the necessary course work, and I am talking about the overwhelming majority, 500 men out of the 600 men.

Mr. PHILLIPS. Is there any increase in salary for them to switch over?

Dr. FOGEL. Yes; it is an increase in salary and a promotion in classification, and there will be no more correctional officers, just correctional counselors.

Mr. PHILLIPS. Do you have a minimum requirement for education?

Dr. FOGEL. No, sir; we do not.

Mr. PHILLIPS. Have you noticed whether or not that exists throughout the country? No one has suggested here that we try to upgrade the qualifications, incoming qualifications, of correctional officers or guards.

I was surprised; I thought someone would come along and suggest because of the rehabilitative aspect of the guard's relationship, someone would suggest that these fellows should have at least 2 years

of sociology training or a couple years of college or at least a high school degree, but no one in our proceedings so far has even made that recommendation. I am a little surprised it hasn't been made.

Dr. FOGEL. Mr. Phillips, 10 years ago I felt that, too, and, as a matter of fact, when I operated a juvenile delinquency institution, the first line work, must have had a B.A. degree or higher. I feel less sanguine about education now.

Mr. PHILLIPS. Let me throw this idea to you, and maybe you can throw it back at me and reject it. It occurred to me one of the real problems we have, and it has been mentioned, the problem you are addressing yourself to, we are not getting the type of person as a corrections guard who is going to really be motivated and have the ability to try to be a correctional factor in the equation of trying to rehabilitate someone, and it is too bad because perhaps we are not recruiting the right type of individual. It occurs to me perhaps one of the solutions would be if we broadened the aspect, in other words, right now in some jurisdiction you have to be a college graduate with a lot of training to be a parole officer, you have to have been a college graduate, sometimes even a master's degree in order to be a probation officer, and perhaps if we took the three categories, the correctional officer in the prison, the probation officer, and the parole officer, and you made some type of a step program where he had to be a corrections officer first and graduate to probation officer or parole officer, you might recruit the type of individual who could provide the program you are suggesting. Have you seen that happen anywhere?

Dr. FOGEL. Yes, sir; I have. I believe the Los Angeles Probation Department operates that way with a career-ladder-type upward mobility where you do come into the institution first, you meet certain requirements there, you get some experience at it. Remember the institution is a bombarding job, draining job, it is a dangerous job, and people frequently burn out at it, and it may be a very good idea to keep people in it for, say, no more than 5 years and then let them move on to different kinds of roles.

Mr. PHILLIPS. Could I ask Mr. Velde whether he has seen any of that type of application coming from the States?

Mr. VELDE. No. There are some in the police area but none in the corrections that I know of.

Dr. FOGEL. I just want to mention that at the administrative level my predecessor, Commissioner Key, did an excellent job in holding to the master's degree in social workers, as sort of a gatekeeping function to moving up to supervision and administration. Our six major institution heads have master's degrees and the new warden at Stillwater, a former guard, has two master's degrees.

We are certainly very encouraged by the recent statement by Mr. Leonard that LEAA. I am quoting him: "In fact LEAA has turned down several requests to build new outmoded institutions."

Quoting him again: "I am convinced in a relatively short period of time there will be an entirely new approach to corrections in the country and LEAA is going to see to it that there is"

It behooves us, I think, to become inventive enough to take advantage of the fact that LEAA is around at all. We are intending with LEAA support to deinstitutionalize the department of corrections. Very frequently what has happened in the States the central office in

the capitol has become the fountainhead of all knowledge for the States as it relates to corrections, which is sort of a nonsensical approach, because in the last analysis nobody has to reconcile himself with the commissioner or central office staff. It has to happen back in the community, and we are entering into contracts purposefully with colleges, community groups, local units of government, other volunteer groups, to help us deal with our other clients. We are going to experiment again with LEAA support and program to divert juveniles entirely from the criminal justice system and we have the cooperation of all factors in criminal justice in two counties to experiment with this.

Other LEAA-supported projects we have are staff training employment of offenders, volunteer services, community correctional centers, ombudsman office, and we are going for a restitution program very shortly where men will stay in the community as property offenders paying back the victim of their crime rather than going to a maximum custody institution.

The level of Federal support has never been better. The public is better educated and volunteer support is at its height. We have a "go" situation. Now is the time to widen Federal assistance on a variety of fronts. The States will not be able to change from fortress-prisons to small, manageable treatment centers without massive help. On the other hand, Congress could speed the end of the old system by the end of the century with something comparable to a Hill-Burton Act for offender treatment centers. Congress should establish regional correctional West Point-like training centers to develop a whole new breed of correctional administrators. The Federal Government ought to impose strict minimal standards for the building and operations of State and local correctional institutions while at the same time offering expanded technical assistance in the areas of rehabilitation, security, legal rights, and administration.

I think a mixed strategy goes something like this. That we have to deal with the current population in these outmoded buildings in some new way, not holding out rehabilitation or psychiatric model anymore and saving that it works, or if you gave us more social workers and psychologists it would work better. I don't think that it does work.

Second, that we move decisively into community-based correctional facilities in a partnership with State, local, and private agencies.

And I noticed a round-up in the New York Times a week or two ago of 500 community correctional centers, halfway houses, across the country and this is a major development in the last 10 years, but that some of them are having hard times. I have seen an excellent one with heavy community support and I have seen others where the community just turned them right out after they had been established.

One of the problems, I think how I visualize it, do we build 10 little Stillwaters in the community or turn that money over in partnership with model cities or other community groups and have it really be a community program where there is an investment in it, where they believe they want this program themselves and where they participate, not only giving advice but in policymaking, that is different from a State correctional system saying we are going to have these little agencies imposed in your neighborhoods. I don't think you get a good reception that way, and the final part of the strategy is

that we do come up with a model of the State correctional system not based on 400- or 500-member institutions but on 100- and 200-person facilities which themselves are programmatically devisable to increase the probability the rehabilitative effort will work at all. But I don't think it is going to happen without some massive and even directed Federal support. LEAA in its quiet way, of course, does direct, it tells us what the guidelines are, it supports some projects, doesn't support others.

There are easy messages to be read in all of that and I am one who believes they should be doing probably even more than that. But as a student of history of corrections it is my judgment that if we don't move quickly and decisively in a massive way to end the fortress prison in this country with the apparent public knowledge and support which does exist we are going to descend into another dark age and now is the time to begin planning at least the beginning of the end of this system.

I will be glad to be responsive as much as I can.

The CHAIRMAN. Doctor, tell us what is the difference that one would see going into your institutions from what he would see in the ordinary institutions in the country?

Dr. FOGEL. Mr. Chairman, I don't think you would see much difference. We have a very antiquated reformatory in St. Cloud which I think is billed by people who sell postcards for tourists as having the longest continuous wall outside of China built by inmates, a stark place. It has no room for good programing. Stillwater has less population than it had a few years ago but it has 900 men and is a fortress prison.

I think probably the only difference you see is we have a lot more community groups coming in. Perhaps that would be advisable. We had 500 members of the Indian community in for a big pow-wow 2 weeks ago, participating with our Indian inmate population, but I don't think that you would see anything very, very different.

The CHAIRMAN. What percentage of their time do your inmates spend in their cells?

Dr. FOGEL. When the evening program ends, they are at work, we have no idle prisoners. Everybody is at work. Mr. Chairman, in either industry or in some other part of the support services which makes the institution run or doing something, so we have no large groups of idle men. In the evening program, one cellblock, which is a honor block, is up for an hour longer than the other one so the men go to sleep either at 9 o'clock or 10 o'clock unless there is a special occasion and they get up in the morning for breakfast and are out again.

The CHAIRMAN. In some institutions they lock up at 4 o'clock in the afternoon and stay in until they are released the next morning.

Dr. FOGEL. That, Mr. Chairman, I would submit is different. You would see that is different if you came to Stillwater.

The CHAIRMAN. What about the attitude of the guards? There has been a lot of talk here about, "Mister," and I believe it is customary in the Federal prisons to be referred to as "Mister," if you don't know them well enough to call them by their first name. Isn't that true, Mr. Velde.

Mr. VELDE. I believe that is the case.

The CHAIRMAN. What is the attitude on the part of the authorities toward the men, how are they treated toward the inmates.

Dr. FOGEL. Mr. Chairman, it is a very mixed approach. I am sure we have a few who do not treat men with dignity. Most do. And it is a smaller population with 900 and a good number of the men have been there before so they are known to each other and they are called by name.

The CHAIRMAN. Called by name, Jones, Smith, or Johnson, or Mr. Jones, Smith, and Johnson?

Dr. FOGEL. Mr. Chairman, I have heard it different ways, first names, "Mister," both.

The CHAIRMAN. But they are addressed in such a way as to indicate they are treated with respect?

Dr. FOGEL. I would say in most cases, Mr. Chairman, that is so. I have also seen some cases where it is not with great respect.

The CHAIRMAN. And you do have good educational and work programs?

Dr. FOGEL. We have, Mr. Chairman. We have production programs. We don't have very good training programs. Until recently we were making twine, now we are making cord and farm implements. We sell as much as we make. Some systems in correctional industries have the tragedy of losing money each year. I think we have the tragedy of making money each year. So we stay in production work. We are modernizing that, we are coming up with a new foundry. The foundry business is very good in Minnesota. There are 70 of them and 5,000 jobs.

The CHAIRMAN. What percentage of your inmates in your largest institutions are involved in the work-release program, work outside of the institution?

Dr. FOGEL. We have two outside programs. One is a minimum security farm right next to the prison where we have about 110 men. I believe, and we have, I believe, close to 200 on work release.

The CHAIRMAN. 200 out of how many?

Dr. FOGEL. We have 930 in the institution.

The CHAIRMAN. One other question. Some of the members of this committee and I went out to Red Wing to look at their juvenile institution and it was to us the most impressive of five juvenile correctional institutions which we visited. I think the credit for the concept there is due to one or two of your Minnesota professors? Do you recall their names?

Dr. FOGEL. Mr. Clendenen and Harry Vorath.

The CHAIRMAN. We met both of them, and it was the most impressive thing that we saw in visiting five institutions or that we have known of in the juvenile field.

Have you made any efforts to apply the group therapy concept to your adult institutions which they apply to the juvenile institution at Red Wing?

Dr. FOGEL. Mr. Chairman, in Red Wing it is called Guided Group Interaction and I quite agree with you that is one of the remarkable changeovers, in a very short period of time in about a year. I remember seeing that institution 20 years ago and it wasn't anything like that as you know. I have only been there half a year and we have just

gotten a new warden about 3 or 4 weeks ago. That whole notion is certainly on our agenda. We haven't seen any place where that kind of program can be applied in a mass institution, in a 900-person institution, but I would like to take some of that theory and see if it could be put to work.

The CHAIRMAN. Mr. Mann, would you like to inquire?

Mr. MANN. I just have one or two factual questions. I apologize for not having been here.

Does Minnesota have a statewide system? Do you have all of the prisoners serving the same, say, more than 4 months in the State system, or do you have a system of county camps?

Dr. FOGEL. Mr. Chairman, we have a statewide system for the felon. Beyond that we have county jails.

Mr. MANN. Then actually you are telling me that they come under your jurisdiction when they have a sentence of 1 year or more?

Dr. FOGEL. Yes, sir.

Mr. MANN. In addition to the county jails do the counties have a work program, a road program for example, using prisoners?

Dr. FOGEL. Mr. Mann, well, two large counties, Ramsey County and Hennepin County have advanced systems, workhouses and jails and have good programs. You don't have that kind of extensive rehabilitation program going on in other facilities in the State. We are currently trying to orchestrate 14 counties in one region and 12 counties in another in a regionalization plan again with LEAA support to be able to effect the regional correctional center for misdemeanants.

Mr. MANN. And that would come under the jurisdiction of the State department of corrections?

Dr. FOGEL. It would be a joint venture with the State and an agreement between the 14 or 15 counties or whatever. They would have a separate board.

Mr. MANN. In your production programs what system of pay do you have, if any?

Dr. FOGEL. Mr. Chairman, we start a man at 50 cents a day and I believe he runs it to 90 cents a day.

I might just add that the very first thing we did with our new warden was send him to South Carolina to Mr. Leeke for a few days to observe that system.

Mr. MANN. Thank you, Mr. Chairman, that is all.

The CHAIRMAN. Are you getting any kickback from the legislature in Minnesota so far, or from the public, because your program might be called a more liberalized program?

Dr. FOGEL. Mr. Chairman, I think everybody is surprised with the extended honeymoon, it is still on.

The CHAIRMAN. Well, Dr. Fogel, we could listen to you for a week and profit by it all of the time. We may be back in touch with you to help us prepare a report when we prepare one, but we do want to thank you for coming and tell you how much you have contributed to our better understanding of this difficult job.

Dr. FOGEL. Thank you, Mr. Chairman.

The CHAIRMAN. A pleasant trip back to you.

(Dr. Fogel's prepared statement follows:)

PREPARED STATEMENT OF DR. DAVID FOGEL, COMMISSIONER, MINNESOTA
DEPARTMENT OF CORRECTIONS

Gentlemen, it is for me a privilege and an honor to be invited to appear before this distinguished committee. I hope my remarks and our discourse will in some way assist you in your awesome tasks. May I begin with some important disclaimers.

1. Minnesota is not a prototypical State through which one might seek solutions to American prison problems—yet we are representative of many smaller systems.

2. We are not faced with the massive social problems which yield large prison populations.

I am referring to such problems as—

- (a) irreversible urban decay;
- (b) deep racial polarity—we do have our share of racism. We overrepresent our black and Indian population in prison seven and five times, respectively;
- (c) crushing hard narcotic traffic; and
- (d) corruptive influences of large-scale organized crime.

(3) Public and political apathy and insensitivity.

We have bipartisan support for reformation of our system of corrections and an emerging collaboration with private and public sector efforts. Gov. Wendell Anderson has made correctional reform a deliberate intention of his administration. It is my mission in the State to orchestrate these diffuse energies into an effective system.

There are, of course, pockets of resistance but no major impediments at the moment. The press, church councils, reform groups, organized labor, civic organizations, and kindred State and criminal justice agencies and the legislature (organized by the opposing political party) have been uniformly supportive in my first half-year on the job.

The inmate populations of our three adult and youth offender institutions have given us some running room. We have been able to deliver some modest reforms swiftly and enough hope to provide us with some more scope for future reformation. One is always confronted with the problem, in a period of social change, that the expectancies unleashed by some modest reforms will outstrip the ability of the system to keep pace. Frustrated expectancies can lead to violence. A cautious balance and strategy of timing must precede the best reasoned programs.

In a relatively short time we have ended mail censorship following the Ohio model. Citing Admiral Zumwalt's directive to naval personnel (I, too, am a naval veteran) we let our prisoners grow beards and longer hair. Following the lead of the best in other jurisdictions we are currently, with the cooperation of the Northwestern Bell Telephone Co. planning the installation of telephones for prisoners to be able to maintain contact with family and friends. We are greatly expanding our visiting program. We will shortly enter a program which will see individual transistor TV sets in cells (at prisoners' expense). With the voluntary assistance of our correctional officers, the Minneapolis police, Mayor Charles Stenvig and the park board coupled with three private groups—The New Way, AMICUS, and the Correctional Service of Minnesota—we had our Stillwater Prison football team play its first game in history outside the walls, in Minneapolis. We have lifted the administrative ban on hiring ex-convicts into our adult corrections system, and we have successfully recruited minorities into that division.

The prison has a group called CAGE (Convicts Associated for Good Environment). They are now actively engaged in reforming the major town polluter—the prison. The State pollution agency is both helping and learning from these men. They have pointed out to us thousands upon thousands of dollars in waste. A convict now belongs to an antipollution council and attends meetings outside the prison, reporting his findings to his inside colleagues. The legislature has provided the department of corrections with important tools such as a newly enacted 5-day furlough program for prisoners, a community corrections act to stimulate the private sector's entry into rehabilitation arena through State subsidies.

We have an outstanding example of success with such a program in Rochester called PORT (Probation Offenders Rehabilitation and Training). A county group home subsidy act will see the development of over 400 such beds in this biennium.

We are currently contracting with St. Paul model cities for the operation of a halfway house using LEAA funds. Drunkenness is no longer a reason for jailing as of this year.

The current Minnesota atmosphere is such that we in corrections can be inventive and prudent risktakers. Yet the mass institutions remain and will remain for some time to come. For the purpose of this discussion I would like to concede, indeed emphasize, that prisons, as we have known them, do not and have never fulfilled their mission of rehabilitation. They are gross failures. The 1967 President's Crime Commission put it more succinctly, "The ineffectiveness of the present system is not really a subject of controversy." Let me also state that I am not one of those who believes that Attica will be a watershed of American correctional reform. Nor am I one who believes that Attica is a result of permissiveness and coddling. Nor do I attribute the current rash of prison riots to militancy and political conspiracies across the Nation. Each one studied reveals a set of contributing circumstances from neglect to brutality to aimless escalation of minor events.

Simple answers come from simplistic minds. The presumption underlying the simplistic explanations of our current strife is that the prison, and its professional administrators, always remain faultless in what should, in their rationale, remain a stable institution.

In my remaining time I'd like to deal with this problem. Imagine, gentlemen, that we were instructed to create a social institution which would be in an endless cycle of failure. How better could we do it than locate a 1,000-, 2,000-, 3,000-, even 4,000-man steel and concrete fortress in a remote rural area and then program it such that there would be cells, stacked sometimes four tiers high. Then we would inhabit the cells with the urban poor, heavily overrepresenting ethnic minorities and on the galleries and gun towers we would place rural, mainly white staff. We then charge the latter to reform the former. The madness of this scheme was pointed out more graphically a half century ago by George Bernard Shaw when he noted that it is the nature of the beast—the prison itself which spelled failure for both the "keeper and the kept."

While I look forward to the end of these bastilles I also know that there will need to be turnaround time, and that we'll need to make better sense of the management of large institutions until we are operating in smaller, modern rehabilitation centers with staffs which have related and appropriate training.

However, we need a mixed strategy. We have to humanize and modernize the old while we plan the new system. Otherwise the plans will never survive the public fears accompanying continued riots in the outmoded system.

The correctional officer is a central actor in this drama. He can be brushed off as a brutal Neanderthal type or he can be enlisted as an agent of change and find a new dignity for himself. We can no longer afford the futility of polarization. The massive social problems of America are felt inside our prisons as well as outside. As the underbelly of society we just play them out with more savagery. A police chief in Maryland once told me after his first extended visit to a prison that he was inside a cancer and if we didn't arrest its growth it would envelop free society, too.

The correctional officer had an easier job in the early days. All he needed was a club, or steel-tipped cane, a rifle or a whip to administer a lock-step, silent system of prison behavior management. His mission was simply "hold on to these convicts." Put yourselves into the shoes of a correctional officer for a 2-minute historical trip.

You would have seen a series of new professionals entering the system, ostensibly to help you: ministers, academic educators, production foremen, vocational educators, recreation supervisors. Actually, you noted that all this specialized help created an adverse effect on your mission—security and custody. They never worked nights or weekends or got much involved when sporadic violence broke out. You also weren't happy because in addition to all the new problems they brought with them all these folks were now making considerably more money than you.

That was the first wave and then your bosses discovered a number of other helping professions and introduced social workers, psychologists, psychiatrists, occupational, speech and even music therapists. These folks too for the most part, worked Monday to Friday, 9 to 5 hours. They also made more money and they made even more compromises with the basic mission—custody. To make you feel better you were now told that you were part of a "treatment or

rehabilitation team." Whenever a new fad broke out it swept through the system. One State prided itself on the fact that it had divided its inmate population into hundreds of therapy groups and that hundreds of its correctional officers were now "group therapist." Responding to this process of innovation through rhetoric many convicts called it the biggest collective farce of the century.

As a member of a treatment team you learned that convicts have emotional needs, psyches, ethnic pride and are due respect. You wondered just what they expected of you. Finally, you witnessed a medical revolution which introduced a hundred new pills into the prison—to be dispensed for the most part by you.

Gentlemen, while we have made some progress in the behavioral sciences and introduced new, promising programs into corrections, the correctional officer has remained the unaffected, even disaffected, professional fossil. Very little has touched him but the rhetoric of reform and treatment. He is rightly discouraged and angry. At the National Prison Congress meeting of 1870 a speaker pointed out that the training of the correctional officer is the reform which needs to precede all other prison reforms for it contains in it the seed of all else as surely as the acorn contains the oak. (Rev. James Woodworth, Secretary of California Prison Commission, National Congress of Penitentiary and Reformatory Discipline, 1870, Cincinnati).

Of all the disciplines in a prison the correctional officer has the toughest hours, the most hazardous workstyle, is closest to the convict, has the least status, prestige and recognition from both his colleagues and the public. Compound these indignities further by his being the lowest paid among correctional jobs and least educated, and an image begins to emerge.

While opinion molders ponder solutions to social problems which generate prison populations, we have a situation in which the inappropriate protagonists daily confront each other. There are no winners in prison confrontations.

In a mass institution, which by definition requires routinization, it is folly to expect that a few clinical appendages will a treatment program make. I'm working toward a different model of making a prison a safe and sane place in which to live and work while we plan the orderly end of this antiquated institution. For the lack of a better name we'll call it the "justice model." I believe it to be eminently suited to the spirit and needs of our time.

We have witnessed a belated human rights explosion in the 1960's which promises to continue. This means more, not less people, I believe, have been able to use the system to upgrade themselves—particularly young people and ethnic minorities.

In corrections we have seen the end of the judicial dictum describing the inmate as the "slave of the state" and the erosion of the court's "hands off" doctrine in relation to penal administration. Human dignity is reaching a new plateau which a few administrators have fearfully mistaken for a widespread conspiracy among a "new breed" of inmates. There has been more significant correctional case law in the last 2 years than in all of this century. It too promises to continue, and it should. High standards of morality and humane treatment require the safeguard of high visibility.

In corrections we should clean our own houses by keeping a step or two ahead of the courts. We can operate the system much better than the courts. If we don't, the courts will increasingly become involved. While we are still housed in the mass institution we should continue to acknowledge its futility as a rehabilitative vehicle. I propose a major emphasis upon teaching nonlaw-abiding folks to be law abiding by treating them in a lawful manner. The best reason to respect law is to know how to employ it for one's legitimate interests. We should teach convicts how to use the law for change.

After my appointment as commissioner I entered Stillwater Prison for 1 day, in uniform as a correctional officer and 3 days as a convict. I appeared before a disciplinary board (having been forewarned by an ex-warden that I had two options as a defendant; to plead guilty or be found guilty). The model of justice would see due process built into determination of guilt for major rule infraction, civil legal assistance for the inmate population, an ombudsman system for the whole department of corrections, an up to date law library with a corps of inmates trained to operate it. All four of these programs are currently at one stage of funding or request in Minnesota at the moment.

We have a modified indeterminate sentence in Minnesota with a maximum but no minimum except for murder in the first degree. In a month we will initiate "contract programming" which will see prison classification teams, the

convict and the parole boards negotiate a contract after the man's first parole board appearance which will contain goals the inmate must reach before he can expect parole. But the further assumption will be that barring affirmative evidence to the contrary he will be paroled when said requirements are met. We are hoping to end the frequency of caprice in parole decisionmaking.

Inmate advisory councils are next on our agenda. Through a combination of all of these programs we wish to create an arena of dignity based upon negotiation and justice for both the keeper and the kept. The timing is good in Minnesota because the legislature has just provided us with a new system of training correctional officers. It is called the correctional counselor series. No one will enter our institutions as correctional officers any more until they've had 10 weeks of training—or 18 college credits in our training academy. Our 600 correctional officers have in overwhelming numbers anticipated the new system and have, on their own time, prepared to be reclassified by taking the necessary course work and having their jobs redescribed to become involved in deeper relationships with prisoners. Most of our men have demonstrated their commitment to change with the times. Our six major institutional administrators have at least a master's degree and the new warden of Stillwater, a former guard there, has two master's degrees. There is very little in prison history to make anyone optimistic, but I'm cautiously optimistic about the State of Minnesota.

There are a few, very few who equate a justice model for prisoners with "coddling." My response is that we have had coddling going on for a century and a half. The real coddlers are those who would put men behind bars and not attempt to enter their lives and then unleash their products on the public at what Attorney General Mitchell recently estimated to be a 67 percent failure rate. Giving men freeloading rides in prison for a decade at a time without much expectation of change is neither in the public's fiscal nor physical interest.

Finally, another kind of coddling has gone on—by the legislative branch of government through their provision of increasing sums of money in the face of continued failure. As a matter of fact, the bigger and more spectacular the failure, the more funding one receives. When correctional administrators were successful staff complements immediately dropped. However, when a riot occurred, more funds were forthcoming.

The justice model rests on the simple notion that the pursuit of justice itself has a rehabilitative effect. Men required to rationalize their lives either as workers or inmates in a prison need an arena for negotiation. The several, but not exhaustive, elements I discussed help provide such an arena. Men who can negotiate their fates have little reason to shoot at each other.

All any of us have going on God's earth is the days of our lives. Imprisonment represents a taking of a part or all of our lives. When government undertakes such an enterprise it has the corresponding responsibility to insure that those days are lived in dignity. It might not be so important in other societies but we have a professed morality which should make us strain in the direction of dignity for the imprisoned, consistent with the public safety.

I feel that you have already been overindulgent listening to me this long. It is important, however, that you are not left with the impression that the prison can remain, even with a more rational system of internal justice. A promising vehicle for change is being provided through the stimulation of the Department of Justice and the LEAA. Mr. Jerris Leonard, head of the LEAA, was recently quoted as follows:

"One of the LEAA's principal priorities is to develop correctional techniques that make rehabilitation more probable by keeping offenders in the community, where they usually have family or other ties. LEAA disapproves of concentrating correctional efforts in the building of more fortress prisons where prisoners are locked away and forgotten. In fact, LEAA has turned down several requests for money to build such outmoded institutions. I am convinced that in a relatively short period of time there will be an entirely new approach to corrections in this country—and LEAA is going to see to it that there is. (U.S. News & World Report, October 17, 1971.)

I fully concur with this administration's emphasis upon correctional reform. I believe Attorney General Mitchell was accurate when he recently described the prison system as a "national shame." It now behooves us to become inventive enough to recognize the system. The public has to be involved because reforms infrequently survive the reformer unless they are deeply rooted in public support.

With LEAA support we intend to deinstitutionalize the department of corrections. We are entering into contracts with colleges, community groups, local units of government and other volunteer groups to deal with our clientele.

We will try to erect a line of alternatives between the courts and our mass institutions. We are going to experiment, again with LEAA support, in programs to divert juveniles entirely from the criminal justice system. Other LEAA supported projects include staff training, employment of offenders, volunteer services, community correctional centers, and the ombudsman office. Many others are in the hopper.

Historically, this is correction's best chance to correct itself. The level of Federal support has never been better. The public is better educated and volunteer support is at its height. We have a "go" situation. Now is the time to widen Federal assistance on a variety of fronts. The States will not be able to change from fortress-prisons to small, manageable treatment centers without massive help. On the other hand, Congress could speed the end of the old system by the end of the century with something comparable to a Hill-Burton Act for offender treatment centers. Congress should establish regional correctional West Point-like training centers to develop a whole new breed of correctional administrators. The Federal Government ought to impose strict minimal standards for the building and operations of State and local correctional institutions while at the same time offering expanded technical assistance in the areas of rehabilitation, security, legal rights, and administration.

In conclusion I would like to summarize the several elements of a strategy I believe necessary to modernize and humanize corrections. Time constraints permit only the bare outline of a strategy.

1. Continuation of such efforts as this committee has undertaken to broaden the public knowledge;

2. Federal support to a network of colleges and universities to develop several levels of manpower and leadership for corrections;

3. Development of a three-prong strategy for—

- (a) dealing with current prison populations in a rational, just, and humane manner;

- (b) moving decisively into community-based correctional facilities in a partnership with State, local, and private agencies; and

- (c) support for the planning, development, and research for a model of a State correctional system based upon small 100- to 200-person facilities which themselves are programmatically divisible into smaller units to increase the probability of successful rehabilitation efforts.

4. A special Federal discretionary grant program for those States which plan decisive departures from the fortress-prison operation. These would include a 90-10 percent Federal-State capital building program.

5. Federal standards for the operations of correctional institutions to insure basic standards of decency. The purpose of standards is not to develop uniformity—variety and imagination can be built in through flexible but tough standards—rather it represents a quest for a floor under practice and operations, below which, corrections should not be permitted to fall.

Whatever specifics may be added to this list the significant factor underlying these thoughts is that State correctional systems will need directed Federal support and leadership to modernize their systems. The current situation in corrections despite frequent outbursts of violence is ripe for change. The LEAA program has presented us with a flicker of light.

As a student of the history of corrections it is my judgment that if we don't move quickly, decisively, and in a massive way to end the fortress-prison in this country, with the apparent current public knowledge and support which exists, we will descend into another extended dark age. Now is the time to begin planning the beginning of the end of the fortress-prison system.

The CHAIRMAN. The prison system in our country is a disgrace.

During the past 5 days we have covered a range of problems in the prison system and we have heard many recommendations for reforms. We have discussed the inmate uprisings at Attica and Raiford, and have heard from the authorities about some of their findings about the uprisings. We have yet to hear from the black inmates of Attica

about their reasons for the disturbance in September that resulted in the loss of 43 lives.

While the hearings on corrections end today, the search for answers will go on. We will attempt to compile the testimony of all of our distinguished witnesses and make a report on our suggestions for reforms in the corrections field to the House of Representatives.

One thing is certain—there has been a growing trend toward the inmates' seeking human dignity, even in jail. While they are convicted of crimes, they still are men. They still can be called "Mister." Human dignity is reaching a new plateau which a few administrators have fearfully mistaken for a widespread conspiracy among a new breed of inmates. There has been more significant correctional case law in the last 2 years than in all of this century. There is a definite need for more educational, vocational, and rehabilitative programs for those inmates who can be rehabilitated.

There is a widespread need for a classification system. Through these means we hope to cut the recidivism rate in this country. There is a great need for more training for correctional officers—the people who spend more than 90 percent of their time with the inmates. The days of billyclub rules are gone. In fact, there is a need for uniform rules, from State to State, from prison to prison, and we want to commend Mr. Leeke in his suggestion that there be a greater uniformity in rules and programs in the country.

We have not finished our investigation in the field of corrections. We plan to call on additional experts for their assistance and views. Moreover, we do not plan to leave out the inmates—we will hear from them, too.

This will conclude this particular series of hearings on correctional institutions and recidivism and the committee will recess until 9:45 Tuesday morning when we will begin hearings on organized crime.

I want to thank my colleagues for their kind cooperation.

(Whereupon, at 2 p.m., the committee adjourned the public hearings on prisons and reform subject to the call of the Chair.)

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